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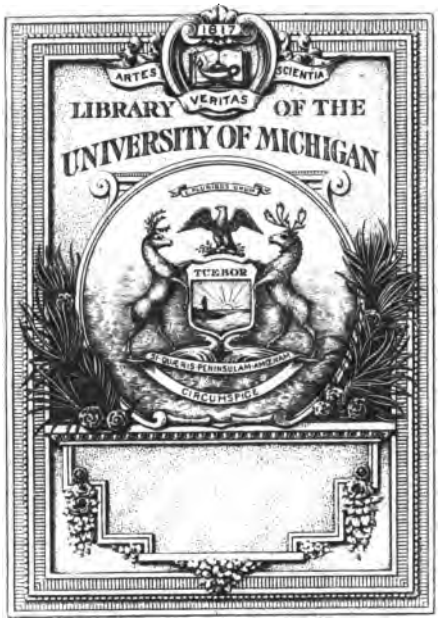
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JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF THE

STATE OF MICHIGAN.

EXTRA SESSION OF 1858.

PRINTED BY VIRTUE OF AN ACT OF THE LEGISLATURE, UNDER THE SUPERVISION OF

CHAS. V. DeLAND,

CLERK OF THE HOUSE OF REPRESENTATIVES.

LANSING:

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1858.

HOUSE JOURNAL.

EXTRA SESSION, 1858.

Lansing, January 20, 1858.

Pursuant to proclamation of the Governor, the Representatives met in their Hall in the Capitol, in the village of Lansing.

At 10 o'clock A. M. the Speaker, Hon. Byron G. Stout, called the House to order.

The Clerk being absent, the roll was called by the Assistant Clerk, when the following members answered to their names:

Messrs. Allen, Allman, Ashmun, Bacon, Bartlett, Beecher, Berry, Blodgett, Brooks, Brown, Brownell, Buckley, Calhoun, Caukin Clark, Cook, Combes, Crosby, W. Davis, Dunbar, Erskine, Fargo, Germain, Goodman, C. B. Goodrich, Goodwin, Gregory, Gulley, Harvey, Haze, High, How, Hurd, Ives, Judd, Kellogg, Kipp, Leland, Linderman, Ludlow, McMahon, Merrill, Miller, Monroe, Mulholland, Muscott, Mussey, Nevins, Parkill, E. Perry, G. D. Perry, Porter, Potter, Schemerhorn, Sessions, Shaw, Simonson, Smith, Stoddard, Sutton, Wade, Wetherbee, Whitney, Yerkes, Speaker.—65.

A quorum being present, the Speaker addressed the House as follows:

Gentlemen of the House of Representatives:

Business of public importance has demanded an extra session of this body. The experience of the last few years has conclusively shown that the constitutional limit of forty days, is a period too brief, fully to perform all the legislation necessary for our young and growing State. Yet, when we last adjourned, it was perhaps as far from your opinion as from mine, that we should meet again in the capacity of legislators, but

it has pleased a kind Providence to permit us again to assemble, and I welcome you to the scene of your former labors.

By your permission I appear as your presiding officer, but whatever success I may have in the discharge of my duty, I shall owe most to your kind forbearance, and that same generous aid which you were pleased to extend to me at the last regular session.

The subjects of your legislation are necessarily limited. The Constitution restricts you to the consideration of such matters only as have been set forth in the proclamation of the Executive, or may be submitted to you by his special message.

I shall not delay you by any lengthened remarks, but in conclusion may be allowed to express the hope that such will be your zeal in the dispatch of business, that your public duties will not long detain you. I enter at once upon the discharge of my labors.

The Proclamation of the Governor, in the following words, was then read:

Whereas, an Extraordinary Session of the Legislature is deemed necessary for the transaction of important public business;

Now therefore, By virtue of the power vested in me by the Constitution, I hereby require the Legislature to convene at the Capitol, in the village of Lansing, on Wednesday, the twentieth day of January next, at ten o'clock in the forenoon, and the Members of the Senate and House of Representatives are requested to assemble in their respective Halls on that day, to consider and act upon such matters as shall be submitted to them by special Message.

In witness whereof, I have hereunto subscribed my name, and caused to be affixed the Great Seal of the [L. S.] State, at Lansing, this tenth day of December, in the year of our Lord one thousand eight hundred and fifty-seven.

By the Governor,

KINSLEY S. BINGHAM.

JOHN MCKINNEY, Secretary of State.

On motion of Mr. Gregory,

The proclamation was ordered to be entered upon the journal.

Mr. Mussey moved that a committee of two be appointed to wait

upon the Senate to inform that body that a quorum of the House is present, and ready to proceed to business.

Adopted.

The Speaker appointed Messrs. Mussey and Miller such committee.

Mr. Schemerhorn offered the following:

Resolved, That the daily Sessions of this House commence at 9 o'clock A. M., and at 2 o'clock P. M., until otherwise ordered.

Which was adopted.

Mr. Schemerhorn offered the following:

Resolved, That one thousand copies of the daily journal be ordered printed for the use of this House, and that the same be equally distributed to the officers and members thereof.

Mr. Monroe moved to amend by inserting 300 instead of 1,000.

Which motion did not prevail.

The question recurring on the original motion it was adopted.

Mr. Sessions moved that the Speaker be requested to fill any vacancies that exist in the office of messenger to the House.

Mr. Gregory moved to amend by adding thereto the words, and also in the Standing Committees of the House.

The amendment prevailed, and the motion as amended was adopted.

On motion of Mr. Erskine, it was

Resolved, That the Secretary of State furnish each of the members of this House the necessary documents and journals of the last session of the Legislature, at the earliest convenience.

On motion of Mr. Mussey, it was

Resolved, That the committee on supplies be instructed not to audit any accounts for stationery obtained by committees.

A Senate committee waited upon the House, and informed the House that the Senate was organized and ready to proceed to business.

On motion of Mr. Gregory, it was

Resolved, That a committee of two be appointed to act with a like committee on the part of the Senate, to wait upon the Governor and inform him that the two Houses have convened, pursuant to his proclamation, and are ready to receive any communication that he may be pleased to make.

The Speaker appointed Messrs. Gregory and Jerome said committee.

The committee appointed to inform the Senate of the organization of the House reported that they had discharged the duty assigned them.

Which report was accepted and the committee discharged.

The committee on the part of the House, appointed to join a like committee on the part of the Senate, to wait upon the Governor and inform him that the two Houses have convened, and a quorum, being present, were ready to receive any communication he might be pleased to make, reported that they had discharged that duty, and that the Governor would communicate forthwith.

The following message was then received from the Governor, and read by the Clerk:

Fellow Citizens of the Senate,
and House of Representatives:

The sessions of the Legislature are limited in effect, by the Constitution, to a period of forty days, once in two years.

A considerable portion of the time of your last session was necessarily devoted to a disposition of the grants of land made by Congress to aid in the construction of Rail Roads, and there was scarcely time left to perfect other measures of legislation that were indispensable.

It would have been much more in consonance with my feelings, if the expense which must necessarily be incurred by an Extra Session could have been avoided, but it has seemed to me that public interests of great magnitude imperativelyrequire it.

One of the most important measures of the last session, that of re-districting the State, for the Circuit Courts, was passed by the House of Representatives but was not reached in the Senate for the want of time — and consequently in the counties of Gratiot, Mason, Manistee, Manitou, Emmett, Oceana, and several other unorganized counties, no provision was made for holding Courts. Civil contracts for the payment of debts cannot be enforced, nor is there any mode by which the guilty violators of the law can be brought to justice. The imminent peril in which a large portion of our constituents are thus placed, would of itself be a justification for calling you together; and I trust that your immediate action will provide for their necessities. The amount of labor and travel imposed upon the Judges, under the present arrangement of Circuits, is very unequal—and it is submitted to your judgment, whether the present Judicial Districts can be so modified and arranged as to equalize the duties and labors of the

Judges, and include the whole State within the eight Judicial Circuits. Or if this cannot be done, whether a new Circuit ought to be created.

I invite your attention to the Report of the Commissioner of the Land Office, and especially to that part in which he has assigned his reasons for withholding the Swamp Lands granted to the State by Congress from sale, under the Act of 14th of Febuary last. The third section of the Act, required the Commissioner to advertise in every county in the State, in which a newspaper is published, all the lands offered for sale by their *legal sub-divisions*. This was undoubtedly an oversight of the Legislature, for after a careful computation by the Commissioner, he ascertained, that the expense of advertising would exceed by far the cash receipts for the land.

I feel confident, therefore, that you will concur with me in the opinion, that the Commissioner assumed a proper responsibility in withholding the lands from sale. My opinions of the duties and responsibilities of the Legislature in assuming and controlling this grant of lands by Congress, are fully expressed in my messages of 1855, and 1857, to which I respectfully ask your attention.

The great object of the grant was to secure the drainage, cultivation and occupancy of a large quantity of land which found no purchaser from the General Government.

Our experience in the disposal of lands granted by Congress for internal improvement, should warn us that it is not the true policy of the State, in assuming the control of this grant, to create offices, and employ engineers and laborers for the purpose of draining the lands, or a fund, out of the proceeds of their sale, to be expended under the direction of the State, in their drainage; but rather to dispose of them in all the districts where there are settlements, at such a low price as would justify the purchaser in making the necessary provision for their drainage and improvement.

If in so disposing of them we shall confine their sale to actual settlers, we shall have a guarantee that the purchaser would be prompted by self interest to make such improvements as would render his lands productive and valuable. The depression in the price of land, and all other articles, caused by the great reduction in the amount of Bank circulation, upon which we are unfortunately compelled to rely mainly for currency, renders it improbable that any considerable quantity of

lands would bring the minimum price established by law of five dollars per acre. I therefore respectfully recommend such a modification of the Act, as will reduce the minimum to one dollar or one dollar twenty five cents per acre, and that the expense such advertising and selling be reduced to the lowest practicable amount, with such other modifications as your wisdom shall suggest.

My opinions are unchanged, that the net proceeds of these lands, after the payment of our public debt, should be sacredly devoted to an educational fund, and I submit to your judgment whether the Agricultural College, now in successful operation, should not have some endowment to secure its permanency and usefulness.

The financial embarrassment and distress which has overspread the country, and which has so sensibly affected the receipts into the National Treasury, has also seriously diminished the revenues upon which reliance had been placed to replenish the State Treasury. The State levied a direct tax in 1856 of about sixty-five thousand dollars, and in 1857 of about eighty thousand dollars. This tax is levied and collected in the several counties at the same time that the township and county tax is collected, and the county Treasurers are required to make their returns and settle with the Auditor General and State Treasurer. A much larger proportion of tax than is generally supposed is levied upon unimproved and non-resident lands. The County Treasurers, therefore, instead of paying the moneys collected into the State Treasury, return to the Auditor General, for the State tax, the delinquent tax on the non-resident lands, which in a majority of the counties is fully equal or more than sufficient to pay their proportion of State tax It will thus be perceived that very little money comes directly into the State Treasury. If the taxes on these non-resident lands are not paid, they are returned to the several counties to be sold, and if not redeemed by the owner within one year after being sold, they become forfeited to the purchaser; or if no purchaser is found, they are forfeited to the State.

The amount of lands returned and forfeited to the State has been greatly enhanced the present year, not only on account of the great scarcity of money, but because an impression has been industriously circulated that the titles to the lands sold for taxes were invalid; that the State did not mean to preserve her faith with the purchasers; and

that by some technical quibble, the original owners could dispossess the purchasers, and avoid the payment of a tax altogether.

Such an opinion, if well founded, besides its manifest injustice, would deprive us of one of the principal sources of State revenue. Very considerable receipts were also anticipated, when you were last in session, from the sale of Swamp Lands, which has been entirely cut off by the judicious action of the Commissioner, in withholding the, lands from sale, to which I have referred.

Through the operation of these causes, unforeseen and temporary in their character and duration, you will perceive by reference to the Report of the State Treasurer, that he will be unable to redeem the two hundred and sixteen thousand dollars of our bonds that fall due on or before the first of January next, and meet the appropriations for our various State Institutions, and for the current State expenses, which were made at your last session.

In this exigency, it devolves upon you, as the Representatives of the people, to determine the proper course to be pursued.

The resources of our State, are undiminished—the specific tax upon railroads is more than sufficient to pay the entire interest upon our funded debt, which is very small, amounting to only two million two hundred and sixty-nine thousand four hundred and sixty seven dollars. We have about six million acres of Swamp Land, a large portion of which is valuable.

We have an industrious, enterprising and productive population, who, notwithstanding they feel the effects of the commercial revulsion which is spreading over the civilized world, are curtailing their expenses, practising the most rigid economy, and by their unflagging labors, in our rich mines—in our vast forests—in our productive fisheries—and in the cultivation of our exuberant soil, are annually adding millions to the wealth of the State.

Can we abandon or discontinue any of our State Institutions? Those of learning, all of which are in a flourishing condition? or the State Prison, or the House of Correction? Are we not too elevated in the scale of civilization and Christian refinement to relinquish the Asylums for the Deaf, Dumb and Blind, and the Insane? Can we reject the appeals to our humanity and benevolence, from these unfortunate classes in every county in the State, to provide for their

care and education? I think I hazard little in asserting, that if an appeal were made directly to the people, their awakened spirit of beneficence would not rest satisfied while these sufferers are left uncared for.

The State tax for the last three years has been exceedingly light, not exceeding one-half of a mill on the dollar, on the valuation of th property—while the average State tax from the years eighteen hundred and thirty eight to eighteen hundred and fifty, averaged about three mills on the dollar. In the State of Ohio, the State tax for a number of years, averaged over five mills on the dollar of valuation—and yet during the present derangement, in currency and business, it might seem burdensome and inexpedient, to increase the rate of taxation. This necessity can undoubtedly be avoided, by authorizing a temporary loan of fifty thousand dollars, to meet the deficit in the State tax of this year, to which amount we are so properly limited by the Constitution, and also if found necessary by the issue and sale of stocks, sufficient to redeem those previously issued, and falling due the present year.

I invite your particular attention to the Report of the State Treasurer, which states with great exactness, and particularity the diminution in the receipts as compared with previous years. It will also be perceived that he has paid $147,035 34 of the public debt, during the three years of his administration.

The people are interested in knowing that a rigid economy is ob served in the appropriation and expenditure of money by their Reprsentatives and Agents, and I take this occasion to say that, where money has been expended through agents of my appointment, and under my supervision, it has been done with a fidelity to the public interests worthy of praise. No money has been expended for the accomplishment of personal or partizan ends, and the Treasury has been well guarded against the assaults of fraudulent claimants.

In my message of January last, I had the honor of calling your attention to the condition of those of our citizens who had emigrated to Kansas, for the purpose of finding a home, and of co-operating with the friends of freedom in prohibiting the introduction and establishment of human Slavery in that great Territory—they had, for nearly two years, been exposed to the persecution and violence of an infuriated ruffian mob, who, instigated by the slave power of the country, crossed

into Kansas from the State of Missouri, and drove them from their homes—burned their houses—plundered their effects—destroyed their printing presses, and murdered many of the people. Others were seized and arraigned before the Courts of the Territory, and subjected to chains and imprisonment, under the pretence that for seeking peaceably to establish free institutions, they were guilty of treason against the Constitution and government of the United States. During this long and unequal struggle, the United States Government, to whom the people had a right to look, as their natural and Constitutional guardian, with a full knowledge of the facts, made public by an official investigation of Congress, shamelessly lent its aid and sympathy to the oppressors.

It is no matter of wonder that the barbarities practiced there, and the culpable conduct of the Government should have excited the indignant feeling of the people in the free States, and throughout christendom, and voluntary contributions to a very large amount were freely made and forwarded to sustain those who had thus been reduced by cruel treatment to want and starvation.

Partaking in the general sympathy, and anxious that the archives of the State should contain the earnest and solemn protest of the people against the repeal of the Missouri Compromise, and the subsequent acts by which Slavery was sought to be introduced into Kansas, the Legislature appropriated "ten thousand dollars for the aid and relief of emigrants from the State of Michigan to the Territory, to be drawn for that purpose, at the discretion of the Governor." After becoming satisfied of the necessities of the people by an extensive correspondence, and having received the offer of the National Kansas Committee, to disburse the money under my direction, without expense to the State—I transmitted to the Secretary of that Committee, one thousand dollars, to be expended exclusively in the purchase of seeds, to be distributed among the necessitous Michigan emigrants. I have received from Mr. H. B. Hurd, the Secretary of the Committee, at Chicago, his report, attached to which is the report of Mr. E. B. Whitman, subagent in Kansas, with vouchers for the distribution of the seeds, which satisfy me that the expenditure was justly and properly made. I have also received numerous letters from Michigan emigrants, and others, expressing their joy and thankfulness at the great relief thus afforded.

The atrocious attempt to extend and perpetuate Slavery in Kansas, through the influence and agency of the Government of this Union, which was founded "to es-tablish justice, and secure the blessings of liberty" — will constitute one of the darkest chapters in our history, and has only been thwarted by the zealous efforts and sacrifices of the people in the free States, in which our own has borne an honorable and conspicuous part.

A very serious breach in the St. Marie's Ship Canal the last Summer, has rendered that great work a source of anxiety to the State authorities, in whose care it is intrusted. It was probably saved from destruction by the timely intervention and aid of United States officers and men, who happened to be there. I have requested Mr. Burt, the late Superintendent of the Canal, and an Engineer of experience, to make a report of its present condition, with the hope that Congress, at its present session, will see the necessity of an appropriation to make it secure and permanent. The vast interest concerned in the navigation of the Upper Lakes which is rapidly increasing every year, renders it highly important that this great National work should be placed as far as possible beyond the hazard of destruction. I am assured that our members of Congress will remit no effort for its accomplishment.

I have received a communication from the Judges of the Supreme Court, asking for certain modifications in the Statutes, made necessary by the establishment of that tribunal, which is herewith transmitted.

With the confident hope that your deliberations will result in the adoption of wise and judicious measures let us invoke the aid of that good Providence which has guided us hitherto, in our endeavors to advance the welfare, prosperity and honor of the State.

KINSLEY S. BINGHAM.

EXECUTIVE CHAMBER, Jan. 20, 1858.

Mr. Mussey moved that the message of the Governor be entered upon the journal, laid upon the table and ordered printed.

Which motion prevailed.

The Speaker appointed Theodore F. Dexter as messenger, and Benjamin Daniels as fireman, to fill vacancies.

Mr. Shaw gave notice that he would ask leave, at some future time, to introduce

A bill amending the act to define the limits, jurisdiction and powers of Circuit Courts, approved February 19, 1851.

Mr. McMahon moved that that part of the Governor's message relating to swamp lands be referred to a special committee of five, to be appointed by the Speaker.

Also, that part relating to Circuit Courts be referred to a like committee of five, appointed in the same manner.

Also, that part relating to public debt, to a like committee of five.

Also, that part relating to the Ste Marie ship canal, to a like committee of five.

Also, that part relating to the collection of taxes, to a like committee of five.

Also, that part relating to the Supreme Court, to a like committee of five.

Mr. Berry moved to amend by making the committee on swamp lands nine instead of five.

Which amendment was accepted.

Mr. Gregory offered the following substitute:

Resolved, That the message of the Executive be referred as follows:

So much as relates to the re-districting of the State for the Circuit Courts and Supreme Courts, be referred to the committee on Judiciary.

So much as relates to swamp lands, to committee on Public Lands.

So much as relates to the finances, to the committee of Ways and Means.

So much as relates to the St. Mary's Ship Canal, to the committee on Federal Relations.

Which motion was supported.

Mr. Mussey called for a division of the question, that the House might vote upon each reference separately.

Mr. Gregory withdrew his substitute.

That portion of the message relating to swamp lands, was then referred to a special committee of nine, to be appointed by the Speaker.

Mr. Mussey moved that the part relating to the public debt be amended by striking out the words "like committee of five," and insert "committee of Ways and Means."

Which was adopted.

And the question being upon the reference as amended,

Mr. McMahon, by consent, withdrew all of his resolution except that part relating to swamp lands.

On motion of Mr. Erskine, it was

Resolved, That two thousand copies of the Governor's Message be printed for the use of the members of the House.

Mr. Schemerhorn offered the following:

Resolved, That so much of the Governor's Message as relates to the re-arrangement of the Judicial Circuits be referred to the Judiciary Committee.

Adopted.

Mr. Berry moved that all the subjects presented in the Governor's Message (except that of the Swamp Lands) be referred to their appropriate committees.

Which motion prevailed.

Mr. Erskine moved that the House adjourn.

Lost.

Mr. McMahon moved that when the House adjourn it adjourn till to-morrow morning at nine o'clock.

Adopted.

On motion of Mr. Ives,

The House adjourned.

Lansing, January 21, 1858.

House met pursuant to adjournment, and was called to order by the Speaker.

Roll called, and a quorum present.

Absent, Messrs. Allman, Hannah, Haze, McKnight, O'Flynn, E. Perry, Sherman, Stoddard, Wendell and White.

The Speaker announced the appointment of the special committee on swamp lands, as follows:

Messrs. McMahon, Clark, Berry, Brooks, Gregory, Shaw, Erskine, Schemerhorn and Brownell.

Also the following, to fill vacancies:

Mr. Chase, committee of Judiciary.

Blodgett, " on Federal Relations.

Mr. Brownell, committee on Roads and Bridges.

On motion of Mr. G. D. Perry, it was

Resolved, That the Clerk of the House be instructed to invite the resident clergy of Lansing to officiate alternately in opening the daily sessions of the House with prayer.

Mr. Merrill offered the following:

Resolved, That five hundred copies of the Governor's Message be printed in the Holland language, and five hundred in the German language.

Mr. Erskine offered the following substitute:

Resolved, That the Secretary of the State be instructed to procure, as soon as practicable, the translation and publication of five hundred copies of the Governor's Special Message in the Dutch language, five hundred copies in the German, and five hundred copies in the French language, for the use of the House.

Which did not prevail.

The question recurring on the original motion, it was not adopted.

On motion of Mr. Shaw,

The House adjourned until two o'clock P. M.

AFTERNOON SESSION.

2 o'clock P. M.

House called to order by the Speaker.

Roll called; quorum present.

REPORTS OF STANDING COMMITTEES.

The Judiciary committee submitted the following report:

Your committee on the Judiciary, to whom was referred that portion of the special message of the Governor in relation to a communication from the Judges of the Supreme Court, asking for certain modifications in the statutes, made necessary by the establishment of the same, respectfully report that they have had the same under consideration, and have instructed their chairman to report by bills, which are herewith presented, entitled

A bill to provide rooms for holding the sessions of the Supreme Court, and the collection and preservation of the records of the Supreme Court of the Territory of Michigan; also,

A bill to amend the revised statutes of 1846, and other statutes, so as to adapt them to the organization of the present Supreme Court, and to define more accurately the duties of Judges of the Circuit Courts and of Circuit Court Commissioners,

And recommend their passage, and ask to be discharged from the further consideration of the same.

H. A. SHAW,
Chairman.

Report accepted and committee discharged.

The first named bill was read twice, and

On motion of Mr. Chase,

Laid upon the table and ordered printed.

The second named bill was read twice, and Mr. Blodgett moved that the rules be suspended, the bill read a third time and placed on its final passage.

Two-thirds of the members elect not voting therefor, the motion was not adopted.

On motion of Mr. McMahon,

The bill was laid upon the table and ordered printed.

Mr. Monroe moved a reconsideration of the vote by which the motion that 500 copies of the Governor's Message be printed in the Holland language and 500 in the German, was lost.

Which motion did not prevail.

Mr. Judd offered the following:

Resolved, That 300 copies of the Governor's Message be printed in the German language, 200 in the French language, and 200 in the Holland language, for the use of the House.

Mr. Allen moved to amend by striking out the words "two hundred" before French language and inserting "three hundred."

Which was accepted by the mover.

Mr. Shaw moved to lay the whole subject on the table.

Lost.

Mr. Mussey moved to strike out "three hundred," before the word German, and insert "five hundred."

Mr. Chase moved to lay the amendment on the table.

Lost.

Mr. Schemerhorn moved to amend by adding the words "and five hundred copies in the Pottawatamie language.

Lost.

Mr. Sherman moved to amend by adding the words "and five hundred copies in the Chippewa language.

Lost.

Mr. Schemerhorn moved that the whole matter be indefinitely postponed.

Lost.

The amendment offered by Mr. Mussey was accepted by the mover.

When the question being on the passage of the original motion as amended, it was adopted.

Mr. Sherman gave notice that on some future day he will introduce a bill granting the swamp lands in the Upper Peninsula to the counties in which they are situated.

Mr. Sherman moved that H. J. Alvord be admitted to a seat within the bar of the House, as reporter to the Detroit Free Press.

Which motion prevailed.

On motion of Mr. Beecher,

The House adjourned till nine o'clock to-morrow morning.

Lansing, Friday, January 22, 1856.

House met at 9 o'clock, pursuant to adjournment, and was called to order by the Speaker.

Roll called, quorum present.

PETITIONS PRESENTED.

By Mr. Bartlett: petition of T. North and 130 others, praying that the swamp lands may be sold at the minimum price of one dollar per acre, after being first offered for sale at public auction, and the proceeds expended in draining said lands.

Mr. R. Goodrich moved that the petition be printed in the journal.

Lost.

Referred to the special committee on swamp lands.

By Mr. Kipp: petition of citizens of Ingham, Clinton and Eaton counties, praying for the relief of settlers on swamp lands.

Referred to the special committee on swamp lands.

By Mr. Kipp: petition of board of supervisors, county officers and

others of Gratiot county, praying that the said county may be attached to the seventh judicial circuit of the State of Michigan.

Also, petition of Henry Smith and others, citizens of Gratiot county, praying that said county may be attached to the seventh judicial circuit.

Both of which were referred to the Judiciary committee.

MOTIONS, RESOLUTIONS AND NOTICES.

Mr. Chase offered the following preamble and resolution:

Whereas, It has been represented in the Annual Report of the State Treasurer, that the surplus funds of the State have been largely diminished, and that the Trust Funds have been loaned to a large amount, and that he will be unable to preserve inviolate the credit of the State without legislative aid, therefore be it

Resolved, That the State Treasurer be and is hereby requested to report to this House the amount of funds now remaining in the Treasury, and where the same are kept.

On motion of Mr. McMahon,

The preamble and resolution were laid upon the table.

By unanimous consent, Mr. Shaw presented the following memorial, which was read by the Clerk, and

On motion of Mr. Mussey,

Was ordered entered upon the journal.

LANSING, January 22, 1858.

To the Hon. the House of Representatives of the State of Michigan:

GENTLEMEN:—By yesterday's House journal, I perceive that I was by a resolution admitted within the bar, as a reporter for the Detroit Daily Free Press. Now, while I have a just appreciation of the honor intended to be conferred upon me by this complimentary evidence of your kindness, relf-respect requires that I should decline the acceptance of the favor. These are demoralizing times, gentlemen, and it behooves us all to shun all bad associations, whether moral or political, and having a strong desire to keep my Democracy pure and uncontaminated, I can never consent to be a reporter for *such* a paper as the Detroit Daily Free Press.

Again thanking you for the *intended* compliment, I most respectfully but positively decline its acceptance.

Very Respectfully,

H. J. ALVORD.

Mr. Caukin gave notice that at some future day he will ask leave to introduce a bill to provide for the sale and drainage of the swamp lands.

On motion of Mr. W. Davis,

The House adjourned till two o'clock P. M.

AFTERNOON SESSION,

2 o'clock P. M.

House met pursuant to adjournment, and was called to order by the Speaker.

Roll called, quorum present.

PETITIONS PRESENTED.

By Mr. Gregory: petition of First Baptist Society of Lansing, requesting the use of the Hall of the House of Representatives, Sunday mornings and evenings, during the session.

On motion of Mr. W. Davis,

The prayer of the petitioners was granted.

By Mr. Miller: petition of W. L. Bancroft and 31 others, for the passage of a law to provide for the drainage of the swamp lands.

Referred to the committee on swamp lands.

MOTIONS, RESOLUTIONS AND NOTICES.

Mr. R. Goodrich offered the following:

Resolved, That there be 500 copies of the Congressional debates upon the swamp land bill of 1850, while the same was pending in Congress, together with a copy of said act, printed in pamphlet form for the use of this House.

Mr. Allen moved to strike out all that part of the resolution relating to the Congressional Debates.

Mr. W. Davis moved to lay the whole subject upon the table.

Which motion prevailed.

Mr. Brownell gave notice that he would, on to-morrow or some future day, introduce a joint resolution repealing a joint resolution of last Session, appropriating $10,000 to Kansas.

Mr. Chase offered the following:

Whereas, In consequence of the unexplained and extraordinary increase of the expenses of carrying on the State Government for the past

three years, over the three preceding years, notwithstanding the proportionate increase of taxes levied during said time;

And Whereas, It has been recommended by the State Treasurer, and deemed necessary by the Governor, to convene this Legislature in Extraordinary Session, among other things, to inquire into the state of the Treasury, and pass such measures as will grant relief, and pay at maturity the liabilities of the State, and it being of vital importance to the people of this State to know what the reasons of said increase of expenses are, and why the surplus funds have been expended, and so large a loan has been made from the Trust funds;

Resolved, That a committee, consisting of five of the members of this House, be appointed to investigate in detail the affairs of the Treasury Department of this State, and have power to send for persons and papers, and take the examination of witnesses.

Mr. Porter moved to amend by adding "and also the treasury department of the United States."

Mr. Shaw offered the following substitute and called the previous question:

Strike out the words "of this State," after the word "department," and insert in place thereof, "of the general government."

Which substitute was accepted by the mover.

Mr. Sherman rose to a point of order, that the amendment was irrelevent.

The Speaker decided the amendment in order.

The Speaker then announced, "Shall the main question now be put?"

Which was decided in the affirmative.

The question being on the adoption of the amendment, Mr. Chase called for the yeas and nays.

Which was not sustained, whereupon the amendment was adopted.

The question recurring on the passage of the resolution as amended,

Mr. Chase rose to a point of order, that the resolution was debateable, as the previous question was called upon the amendment.

The Chair ruled that the previous question was called upon the entire resolution.

Mr. Chase appealed from the decision of the Chair.

The decision was sustained by the House.

The question then being on the passage of the resolution, as amended, it was lost.

Mr. McMahon offered the following:

Resolved, That the proper State authority be requested to inform this House of the amount of the expenses of the State government for each year of the past three years, and the amount of money paid out of the Treasury therefor. Likewise the three years previous, contrasting the same, so that we may know the difference between the actual expenses of three years of Republican government and three years of Democratic government.

Mr. Kanter offered the following amendment:

Also to inquire into the quality of the funds on hand.

Mr. Gregory moved to amend further, as follows:

Which report of said committee shall include rates of taxation for each year, and a history of the origin of the State indebtedness.

Which was adopted.

Pending the question in the other amendments,

On motion of Mr. Gregory,

The whole subject was laid upon the table.

Mr. Mussey moved that House bill No. 1, being

A bill to provide rooms for holding the sessions of the Supreme Court, and the collection and preservation of the records of the Supreme Court of the State of Michigan, be taken from the table.

Adopted.

Mr. Mussey moved that the House go into Committee of the Whole in consideration of the same.

Mr. R. Goodrich moved to amend as follows:

That the House consider the bill as in Committee of the Whole.

Which amendment prevailed, and the motion as amended was adopted.

Mr. Mussey offered the following amendment to the bill:

Strike out in line 10 of section 1, the words "Auditor General," and insert the words "Secretary of State."

Lost.

Mr. Chase offered the following amendment:

Amend section one, line one, by striking out "Attorney General," and inserting "Board of State Auditors." Also, line three, by striking out the word "proper" and insert "necessary." Also, line six, strike out the word "he" and insert "they."

Which was lost.

Mr. Whitney offered the following:

In sixth line, after the word "provided," insert the words: "the expense of such lease shall not exceed five hundred dollars annually, and that."

Which was lost.

Mr. Nevins moved to insert after the words "see fit" in the 6th line the words. "which lease, or a duplicate thereof, shall be deposited with the Auditor General;" also, to strike out all in the 10th and 11th lines after the word "fire."

Which was lost.

Mr. Goodrich moved to strike out the word "procure" in line 2, Sec. 1, and insert the word "lease."

Which was lost.

Mr. Schemerhorn moved to add to Sec. 2 the following:

"Such sum shall not exceed five thousand dollars."

Which was lost.

Mr. Chase moved to strike out in section 4, line 1, the words "Capitol at Lansing," and insert "City of Jackson."

Lost.

Mr. Blodgett moved to add to section 4, the words "there to remain during the session of said Court."

Mr. Gregory offered the following as an amendment:

Strike from the fourth section all after the words "State Treasurer," in the third line.

Mr. Berry offered the following as a substitute for the amendment:

Strike out in the 5th line of section 4 the words "and placed in one of such apartments."

Lost.

Mr. Chase asked leave of absence for himself and Mr. Kanter, the remainder of the day.

Leave granted.

Mr. House offered the following as a substitute:

After the word "justices" in sixth line, add: "and the State Librarian shall have the supervision and charge of said books as before their removal."

Which was adopted.

The amendment, as amended, was then lost.

Whereupon the question being on the original motion, it was adopted.

Mr. Stoddard offered the following:

Strike out of section four, line two, all after the words "Auditor General," and all of line three to and including the word "Treasurer."

Which was lost.

Mr. Judd moved to strike out from section 2 all after the word "lease," in the second line.

Lost.

The bill was then ordered to a third reading.

Mr. Porter moved that the vote whereby a resolution offered by Mr. McMahon asking information in regard to the condition of the Treasury was tabled, be reconsidered.

Adopted.

Mr. Porter offered the following:

Resolved, That the resolution before the House be referred to a select committee of three, with instructions to report the same back with such alteration as they think advisable, as soon as practicable.

Mr. Beecher moved to indefinitely postpone the resolution.

Which was lost.

The motion was then adopted and the Speaker appointed Messrs. Porter, McMahon and How, said Committee.

Mr. Schemerhorn moved that the vote whereby the memorial of H. J. Alvord was ordered entered upon the journal, be reconsidered.

Which was lost.

THIRD READING OF BILLS.

House bill No. 1, being

A bill to provide rooms for holding the sessions of the Supreme Court, and the collection and preservation of the records of the Supreme Court of the Territory of Michigan,

Being under consideration,

Mr. Judd moved to re-commit the bill to the Judiciary Committee with instructions to so alter the same that the expense of fitting up rooms, &c., be audited by the Board of State Auditors.

Which motion prevailed.

Mr. McMahon moved that the resolution admitting Mr. Alvord to a

seat within the bar of the House as Reporter for the Free Press, be reconsidered.

Which, on motion, was laid on the table.

Mr. McMahon moved that the memorial of H. J. Alvord be expunged from the Journal.

Which, on motion of Mr. Kellogg,

Was laid on the table.

On motion of Mr. Goodman,

The House adjourned till 9 o'clock to-morrow morning.

Lansing, Saturday, January 23, 1858.

House met at 9 o'clock pursuant to adjournment, and was called to order by the Speaker.

Prayer by Rev. Mr. Knickerbacker.

Roll called, quorum present.

Absent, Messrs. Beecher, Gulley, Hannah, McKnight, McKinley O'Flynn and White.

PETITIONS PRESENTED.

By Mr. Jerome: petition of Proctor Williams and 21 others; also, petition of Augustus Lull and 31 others; also, petition of D. D. Ross and 80 others; citizens of Saginaw county, praying for amendments to the road law.

Mr. Blodgett moved that all petitions relating to subjects not mentioned in the Governor's Message be referred to the appropriate committees.

Adopted.

The petitions were then referred to the committee on Roads and Bridges.

By Mr. Erskine: petition of J. W. Kimble and 140 others, praying for the organization of the county of Huron.

Referred to committee on Towns and Counties.

By Mr. Erskine: petition of Henry Oldfield and 64 others, praying to have the proceeds of the sales of swamp lands applied to ditching and draining, and reclaiming said lands.

Referred to the special committee on swamp lands.

REPORTS OF STANDING COMMITTEES.

By the special committee on the Upper Peninsula:

The committee on the Upper Peninsula have authorized me to report the accompanying bill.

A. SHERMAN,
Chairman.

Mr. Sherman moved that it be laid on the table and ordered printed.

Mr. McMahon called for a division of the question,

And the bill was laid on the table.

The question being upon the printing of the bill, after some discussion,

Mr. Gregory called the previous question.

The chair announced "Shall the main question be now put?"

Which was decided in the affirmative.

Mr. Sherman called for the yeas and nays on the motion to print,

Which call was sustained, and the motion was then passed, a majority of all the members elect voting therefor, as follows:

YEAS.

Mr. Allen,	Mr. Fargo,	Mr. Monroe,
Allman,	Germain,	Mulholland,
Ashmun,	Goodman,	Munger,
Bacon,	C. B. Goodrich,	Muscott,
Bartlett,	R. Goodrich,	Mussey,
Beecher,	Gregory,	Nevins,
Berry,	Harvey,	Parkill,
Blodgett,	Haze,	E. Perry,
Brooks,	High,	G. D. Perry,
Brown,	How,	Porter,
Brownell,	Hurd,	Potter,
Calhoun,	Ives,	Schermerhorn,
Caukin,	Jerome,	Shaw,
Chase,	Judd,	Sherman,
Clark,	Kanter,	Simonson,
Cook,	Kellogg,	Smith,
Combes,	Kipp,	Stoddard,
Crosby,	Leland,	Wade,
J. M. Davis,	Linderman,	Wendell,
W. Davis,	Ludlow,	Wetherbee,
Dunbar,	McMahon,	Whitney,
Enos,	Merrill,	Yerkes,
Erskine,	Miller,	Speaker, 69

NAYS.

Mr. Buckley,	Mr. Sessions,	Mr. Sutton, 3.

REPORTS OF SELECT COMMITTEES.

Your select committee to whom was referred a resolution inquiring into the expenses of the State government, respectfully submit the following:

Whereas, The minority of this House have solicited an investigation of the management of the finances of the State during the last three years;

And whereas, It is deemed equally important that a like investigation be extended over preceding years; therefore,

Resolved, That a committee of five be appointed to make such examination as may be necessary to enable them to report to this House, a comparative statement of the expenses of the State government for the past ten years; the causes of our State indebtedness, and such other facts relating to the subject matter of this inquiry as they may deem necessary for the information of this House.

LEWIS PORTER,
Chairman.

Report accepted and the committee discharged.

Mr. McMahon moved that the report be adopted.

On which motion Mr. Mussey called the previous question.

The Speaker announced "shall the main question now be put?"

Which was decided in the affirmative.

The report was then adopted.

MOTIONS, RESOLUTIONS AND NOTICES.

Mr. Chase gave notice that he would on some future day, ask leave to introduce

A bill to amend the following acts of the last Legislature, appropriating the funds of the Treasury for public purposes, providing that the State Treasurer may be restrained from disbursing any more of said moneys until the Treasury is relieved from its present embarrassments:

1st. An act to provide for the completion of the east wing of the State Prison, building work shops, enlarging the mess room, and for other purposes.

2d. An act to amend certain sections of an act entitled "an act to establish a House of Correction for Juvenile Offenders, approved February 10th, 1855.

3d. An act for the improvement of Flat River.

4th. An act making appropriations in aid of the Asylum for the Deaf and Dumb, and Blind, at Flint.

5th. An act making appropriations in aid of the Michigan Asylum for the Insane.

6th. An act making an appropriation for the Agricultural School, and to amend the act entitled "an act for the establishment of an agricultural school," approved Feb. 12, 1855.

7th. An act to make an appropriation to aid the Michigan State Agricultural Society.

8th. An act to compile and re-print the laws.

Mr. Kipp gave notice that on some future day he would ask leave to introduce

A bill to legalize appeals and the acts of officers of the county of Gratiot.

Mr. House offered the following:

Resolved, That this House do hereby most respectfully ask, that His Excellency, the Governor, recommend an alteration or amendment of the present highway law of this State, so as to give to the highway commissioners the discretionary power to say whether or not it is necessary to lay out a road on any given application, and also to dispense with the survey when in their judgment such survey is unnecessary.

Which, on motion of Mr. Blodgett,

Was laid upon the table.

Mr. Mussey moved that House bill No. 2, being

A bill to amend the revised statutes of 1846, and other statutes, so as to adapt them to the organization of the Supreme Court, and to define more accurately the duties of Judges of the Circuit Courts and Circuit Court Commissioners,

Be taken from the table and placed upon the general order.

Adopted.

Mr. Kanter moved that a special committee of three be appointed to enquire by what right Mr. Alvord holds a seat within the bar of the House.

On motion of Mr. Mussey,

The motion was laid upon the table.

Mr. Gregory gave notice that he would, on some future day, introduce

A bill to provide for the payment of the members and officers of the Extra Session of the Legislature for the year 1858.

On motion of Mr. Kellogg,

Leave of absence was granted to the select committee on swamp lands, to mature and complete their report as soon as possible.

Mr. Erskine, by unanimous consent, introduced

A bill to grant pre-emption rights to actual settlers on swamp lands.

Which was read twice and referred to the committee on Public Lands.

On motion of Mr. Simonson,

The House adjourned until 2 o'clock this afternoon.

AFTERNOON SESSION.

2 o'clock P. M.

House called to order by the Speaker.

Roll called; quorum present.

Mr. Gregory asked and obtained leave of absence for Mr. Ives until Monday morning.

REPORTS OF SELECT COMMITTEES.

Mr. McMahon, chairman of the select committee on swamp lands, reported to the House,

A bill entitled a bill to provide for the sale of the swamp lands, and the reclamation thereof, and for the pre-emption of the same by actual settlers,

Which, on motion of Mr. Blodgett,

Was laid upon the table and ordered printed.

On motion of Mr. Erskine,

The bill was taken from the table that the committee might submit a section which had been omitted in their report.

Which being done,

On motion of Mr. Clark,

The bill was again laid upon the table and ordered printed.

The Sergeant-at-Arms announced a message from the Governor,

Whereupon the folowing message was received from the Governor, by his Private Secretary:

EXECUTIVE OFFICE,
Lansing, January 23, 1858.

To the Legislature:

I transmit herewith, to the House of Representatives, a memorial of the Board of Auditors of the county of Wayne, asking that the provisions of the tax law be applied to ward collectors in cities, which seems to me necessary and reasonable.

I also transmit herewith to the Senate, a memorial asking an amendment to the highway law, and a communication from the supervisor and other officers of the township of Macomb, praying for authority to correct some mistakes in their assessment, which seem to me reasonable and proper.

Trusting that your action upon these matters will not delay your attention to the more important measures submitted in my message at the commencement of the session, I have consented to call your attention to them.

KINSLEY S. BINGHAM.

On motion of Mr. Blodgett,

That portion of the special message of the Governor relating to highways was referred to the Judiciary Committee with instructions to report by bill.

Mr. Kanter, by unanimous consent, introduced

A bill to amend section 62 of chapter 17 of the Revised Statutes of 1846, entitled "of the assessment and collection of taxes."

Read twice and referred to the committee on State Affairs.

MOTIONS, RESOLUTIONS AND NOTICES.

On motion of Mr. Enos, it was

Resolved, That the Society of the Methodist Episcopal Church of this village be allowed to occupy this Hall on Sabbath afternoon of each Sabbath during this session, at 2 o'clock P. M.

On motion of Mr. Caukin,

Resolved, That the Governor be respectfully requested to recommend to the Legislature, to provide for submitting to the people, an amendment to the Constitution, which will obviate the necessity of a jury of twelve to lay out highways.

The Speaker announced as special committee on financial affairs of the State, Messrs. Porter, Mussey, Smith, House and Kanter.

GENERAL ORDER.

House bill No. 2, being

A bill to amend the revised statutes of 1846, and other statutes so as to adapt them to the organization of the present Supreme Court, and define more accurately the duties of the Judges of the Circuit Courts and of Circuit Court Commissioners,

Being under consideration,

Mr. Mussey moved that the committee of the Whole be discharged from the consideration of the same.

Which prevailed.

Mr. Blodgett moved to strike out the words "Injunction Master," in section 2, line 3, and in lieu thereof insert the words, "Circuit Court Commissioner."

Which, after discussion, was withdrawn.

Mr. Blodgett moved to strike out of section 9, line 4, the words "Notary Public."

Which motion was lost.

Mr. Chase moved to strike out the words, "and all Justices of the Peace," in section 28, line 5.

Lost, unanimously.

On motion of Mr. Mussey,

The last section of the act was stricken out.

Mr. McMahon moved to amend section 18, line 4, by inserting after the word "court," the words "or justice of the peace."

After considerable discussion,

Mr. Sherman moved the previous question.

The Speaker announced "Shall the main question now be put ?"

Which was decided in the affirmative.

The amendment was then adopted.

Mr. Chase moved that the bill be recommitted to the judiciary committee, with instructions to make it conform to the amendment just made.

Mr. Blodgett moved to amend by adding: "and said committee be instructed to report the bill back to the House at half past 7 o'clock this evening.

Adopted.

The question then being on the motion, as amended, it was adopted.

MESSAGE FROM THE SENATE.

The Speaker announced the following message from the Senate, which was read by the Clerk:

SENATE CHAMBER,
January 23, 1858.

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to transmit to the House of Representatives,

A bill to authorize the Supervisor of the township of Macomb, in the county of Macomb, to make a new assessment of the real and personal property in said township, and to extend the time for the collection of taxes in said township,

Which the Senate have passed by a majority vote of all the Senators elect, and ordered to take immediate effect by a vote of two-thirds of said Senators, in all of which the concurrence of the House is respectfully asked.

Very respectfully,

ISAAC W. WILDER,

Secretary of the Senate.

The bill was read the first and second time, and referred to the committee on State Affairs.

On motion of Mr. Sessions,

The use of the Representative Hall was granted to the President of the Agricultural College, on Monday evening next, to deliver an address to the members of the Legislature, on matters connected with that Institution.

On motion of Mr. Blodgett,

The House adjourned till half past 7 o'clock this evening.

EVENING SESSION.

Half past seven o'clock P. M.

House called to order by the Speaker.

Roll called, quorum present.

Mr. Yerkes asked and obtained leave of absence for Mr. Whitney for this evening.

House resumed business under the order of

REPORTS OF STANDING COMMITTEES.

The Judiciary committee submitted the following report:

Your committee, to whom was referred House bill No. 2, entitled an act to amend the revised statutes of 1846, and other statutes, so as to adapt them to the organization of the present Supreme Court and define more accurately the duties of the Judges of the Circuit Courts and Circuit Court Commissioners, with instructions to so arrange the balance of chapter 123 of the revised statutes of 1846 as to make it "jibe" with an amendment made by the House, inserting in line 4 of section 18, after the words "judge of the circuit court," "or justice of the peace," respectfully report they have had the same under consideration, and in pursuance of such instruction herewith report, inserting in section three of said act, after the words "judge of the circuit court," "or justice of the peace." Also, in section 25 of said act, as amended, after the word "judge," the words "justice of the peace."

Your committee would also suggest the necessity of a compliance with section eighteen of article six of the constitution, restricting said justices of the peace to cases involving less than five hundred dollars. Also of section twenty, article four of the constitution, which reads as follows: "No law shall embrace more than one object, which shall be expressed in its title." Also, that portion of section fifteen of said article four which restricts the legislature to those subjects expressly stated in the Governor's proclamation, or submitted to them by special message. Hoping therefore that the House will so provide that the views of the majority, when expressed in the usual manner of legislation, will be consistent with the plain intent and meaning of the constitution, without recommendation, respectfully herewith return said bill, as amended, in pursuance of instructions.

H. A. SHAW,
Chairman.

Report accepted, and the committee discharged from the further consideration of the same.

The question being on concurring in the amendments recommended by the committe,

Mr. Berry moved the previous question on the amendments.

The Speaker announced, "Shall the main question now be put?"

Which was decided in the affirmative.

The amendments reported by the committee were rejected.

Mr. Shaw moved that the vote whereby the words "or Justice of the Peace" were inserted in section 18, line 4, after the word "Court" be reconsidered.

Adopted.

The question recurring on the motion to insert the words "or Justice of the Peace," in line 4, section 18, it was lost.

Mr. McMahon moved to strike out the word "appointed," in line 3 section 2, and insert the word "designated."

Lost.

Mr. Chase moved to strike out the word "appointed," in line 3, section 2, and insert the word "elected."

Lost.

Mr. Erskine moved that the rule be suspended, and the bill be placed on its final passage.

Lost.

The bill was then placed on the order of third reading.

The chairman of the Judiciary committee reported back to the House

A bill to provide rooms for holding the sessions of the Supreme Court, and the collection and preservation of the records of the Supreme Court of the Territory of Michigan,

With amendments according to instructions.

The report was accepted, the committee discharged, and the amendments concurred in.

Mr. Sherman moved to add to section 2 the words "which sum shall not exceed five thousand dollars."

Lost.

The bill was then referred to the committee on Engrossment and Enrollment.

MOTIONS, RESOLUTIONS AND NOTICES.

Mr. Chase offered the following:

Resolved, That inasmuch as the present winter does not render it necessary for the State to use a hand sled, the Board of State Auditors are requested to report to the Legislature, whether or not the one referred to on page 12, of their report, for which $7 was paid, is now in possession of the State, and if so, that they be requested to sell the

same for the best price they can obtain, for the benefit of the Treasury.

And be it further Resolved, That they report to the Legislature what public officers, &c., have had their washing done at the expense of the State; also, that 2,000 extra copies of the report be printed for distribution among the people.

Which were laid upon the table.

On motion,

The same were taken from the table, and

On motion of Mr. Berry,

Were indefinitely postponed.

THIRD READING OF BILLS.

House bill No. 2, being

A bill to amend the revised statutes of 1846, and other statutes, so as to adapt them to the organization of the present Supreme Court, and define more accurately the duties of the Judges of the Circuit Courts, and of Circuit Court Commissioners,

Was read a third time, and a majority of all the members elect voting therefor, it was passed by yeas and nays as follows:

YEAS.

Mr. Allen,	Mr. Germain,	Mr. Muscott,	
Allman,	Goodman,	Mussey,	
Ashmun,	C. B. Goodrich,	Nevins,	
Bacon,	R. Goodrich,	Parkill,	
Bartlett,	Goodwin,	E. Perry,	
Berry,	Gregory,	G. D. Perry,	
Blodgett,	Harvey,	Porter,	
Brown,	Haze,	Potter,	
Brownell,	House,	Schemerhorn,	
Buckley,	Hurd,	Sessions,	
Calhoun,	Jerome,	Shaw,	
Clark,	Judd,	Simonson,	
Cook,	Kellogg,	Stoddard,	
Combes,	Kipp,	Sutton,	
Crosby,	Leland,	Wade,	
W. Davis,	McMahon,	Wetherbee,	
Enos,	Merrill,	Yerkes,	
Erskine,	Monroe,	Speaker.	
Fargo,	Mulholland,		56

NAYS.

Mr. Chase,	Mr. High,	Mr. Munger,	
J. M. Davis,	How,	Sherman,	
Dunbar,	Kanter,	Wendell,	9

Title agreed to.

Mr. McMahon moved that the bill take effect from after its passage.

Two-thirds of the members elect not voting therefor, the motion was lost.

Mr. Blodgett moved that the bill take effect one day after its approval by the Governor.

Two-thirds all the members elect voting therefor the motion was adopted.

The committee on enrollment and engrossment reported as correctly engrossed, House bill No. 1, being

A bill to provide rooms for holding the sessions of the Supreme Court, and the collection and preservation of the records of the Supreme Court of the Territory of Michigan.

Report accepted and committee discharged, and the bill placed on the order for the third reading.

The bill having been read a third time, it was passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Allen,	Mr. Dunbar,	Mr. Muscott,
Allman,	Enos,	Mussey,
Ashmun,	Erskine,	Nevins,
Bacon,	Fargo,	Parkill,
Bartlett,	Germain,	E. Perry,
Beecher,	Goodman,	G. D. Perry,
Berry,	C. B. Goodrich,	Porter,
Blodgett,	Goodwin,	Potter,
Brooks,	Harvey,	Schermerhorn,
Brown,	Haze,	Sessions,
Brownell,	House,	Shaw,
Buckley,	Hurd,	Simonson,
Calhoun,	Jerome,	Smith,
Clark,	Judd,	Stoddard,
Cook,	Kipp,	Sutton,
Combes,	Leland,	Wade,
Crosby,	Merrill,	Wendell,
J. M. Davis,	Monroe,	Wetherbee,
W. Davis,	Mulholland,	Speaker, 57

NAYS.

Mr. Chase,	Mr. How,	Mr. Munger,
R. Goodrich,	McMahon,	Sherman,
Gregory,	Miller,	Yerkes,
High,		10

Title agreed to, and by a vote of two-thirds of all the members elect the same was ordered to take immediate effect.

On motion of Mr. Allen,

The House adjourned till 9 o'clock Monday morning.

Lansing, Monday, January 25, 1858.

House met at 9 o'clock, pursuant to adjournment, and was called to order by the Speaker.

Roll called; quorum present.

Absent: Messrs. Beecher, Blodgett, Calhoun, Caukin, Chase, Hannah, Ives, McKnight, McKinley, O'Flynn, Sherman, White.

PETITIONS PRESENTED.

By Mr. Bartlett: petition of O. A. Gibbs and 66 others, praying for the sale of the swamp lands, and that the proceeds, "so far as necessary," be expended in draining said lands.

Referred to the special committee on swamp lands.

By Mr. Erskine: petition of Hiram Dickinson and others, praying for the ditching, draining and reclaiming of swamp lands.

Referred to committee on public lands.

By Mr. Wendell: petition of James O. Whittemore and 28 others, praying that a State road be laid out in the county of Iosco.

Referred to the committee on roads and bridges.

By Mr. Bartlett: petition of the board of supervisors of Tuscola county praying that the swamp lands be sold, and the proceeds, "so far as necessary," be expended in draining said lands.

Referred to the special committee of swamp lands, and

On motion of Mr. Bartlett,

The same was ordered upon the journal as follows:

To the Honorable Legislature of the State of Michigan:

We, the Board of Supervisors of Tuscola county, feeling a deep interest in the disposition of the swamp lands granted by the General Government for the purpose of enabling the State to drain said lands, to reclaim them from the deadly miasma that hovers over them and the adjoining lands, and to promote the health of the country where said lands are situated, are not only desirous, but believe it to be the

duty of the State to see that said lands are disposed of in such a way as to carry out the original design of the grant, to promote the health, hasten the settlement, and aid in developing the resources of the State. We would respectfully represent, that if those lands are kept out of the market, it will greatly retard the settlement of the several townships where they are situated, embarrass and load the first settlers of said townships with the burdens of draining, and building roads over said lands, which they cannot endure.

The greatest privation experienced by the first settlers of all timbered lands is the want of roads; and they have not the means or ability to build them. The action of the last Legislature seems to your petitioners manifestly unjust, and utterly impracti cable.

We would regret extremely to see those lands sold, and first settlers robbed of a legacy which we consider rightfully belongs to them, for the purpose of establishing schools or seminaries in other portions of the State, more favorably situated as regards roads, soil and climate, and leaving the first settlers of said townships to struggle with poverty, and to endure hardships brought upon them in a great measure by the vicinity of swamp lands, and the want of roads. Therefore, we pray your Honors, that said lands may be sold at the minimum price of one dollar per acre, after having first been offered for sale at public auction, and the proceeds expended in draining, building and opening roads through the several townships in which said lands are situated, under the supervision of the Board of Supervisors of each organized county, and of the Board of State Auditors in unorganized counties.

CHRISTIAN SHADLEY, Almer,
A. WHITEMAN, Arbela,
E. VANDEMARK, Akron,
WESLEY HESS, Columbia,
JAMES SANDERS, Denmark,
LORENZO HURD, Dayton,
I. J. B. McKENNEY, Ellington,
D. P. HINSON, Fairgrove,
E. TRIPP, Fremont,
M. GIBBS, Indian Field,
B. BEAL, Millington,
AARON WATROUS, Juniata,

PETER SCHAIRER, Sebewaing,
E. HART, Tuscola,
E. STURGIS, Vassar,
A. FITZGERALD, Watertown.

JANUARY 1, 1858.

By Mr. Erskine:

Resolutions of the citizens of Sanilac and Huron counties, relative to the disposal of the swamp lands.

Which was ordered entered on the journal as follows:

SWAMP LAND MEETING.

In pursuance of previous notice, a meeting of the citizens of Sanilac county convened at the Court House in Lexington, at 2 o'clock P. M., Tuesday, January 19th, 1858.

The meeting was called to order, and W. S. Mills, Esq., appointed Chairman, and Watson Hubbard, Secretary.

On motion of John Divine, Esq.,

A committee of five was appointed to prepare resolutions expressive of the opinion of the meeting.

The Chair appointed Messrs. John Divine, J. C. Wyllis, Daniel Wixson, John L. Woods and Watson Hubbard, such committee; when,

On motion of J. C. Wyllis, Esq.,

Ordered that a committee of five be appointed to prepare a memorial for circulation and signature in the county of Sanilac, to be presented to the legislature.

The Chair appointed Messrs. J. C. Wyllis, Clark Hadley, Hon. John C. Waterbury, Clark Haywood, Israel Huckins, said committee.

Hon. J. Divine, from the committee on resolutions, reported the following, which, after discussion, were unanimously adopted by the meeting:

Whereas, The Congress of the United States passed an act approved September 28th, 1850, in the following words, to wit:

AN ACT to enable the State of Arkansas and other States, to reclaim the Swamp Lands within their limits.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That to enable the State of Arkansas to construct the necessary levees and

drains to reclaim the swamp and overflowed lands therein, the whole of them, swamp and overflowed lands, made unfit thereby for cultivation, which shall remain unsold at the passage of this act, shall be and the same is hereby granted to said State.

SEC. 2. That it shall be the duty of the Secretary of the Interior, as soon as may be practicable after the passage of this act, to make out an accurate list and plat of the lands described as aforesaid, and transmit the same to the Governor of the State of Arkansas; and at request of said Governor, cause a patent to be issued to the State therefor, and on that patent the fee simple of said lands shall rest in the said State of Arkansas, subject to the disposal of the legislature thereof: *Provided, however*, That the proceeds of said lands, whether from sale or direct appropriation in kind, be applied exclusively, as far as necessary, to the purpose of reclaiming said lands, by means of the levees and drains aforesaid.

SEC. 3. *And be it further enacted*, That in making out a list and plats of the land aforesaid, all legal subdivisions the greater part of which is wet, and unfit for cultivation, shall be included in said lists and plats; but when a greater part of a subdivision is not of that character, the whole of it shall be excluded therefrom.

SEC. 4. *And be it further enacted*, That the provisions of this act, be extended to, and their benefits be conferred upon, each of the other States of the Union in which such swamp or overflowed lands, known and designated as aforesaid, may be situated.

Approved Sept. 28, 1850.

And whereas, Under said act the Secretary of the Interior has made out and transmitted to the Governor of the State of Michigan, lists of said lands, lying within this State, of six millions of acres or thereabouts, a part of which lands have been sold under and by virtue of an act of the legislature of 1851, which last mentioned act contains no provisions for the drainage of said lands or for the disposition of the proceeds arising from said sales.

And whereas, An extra session of the legislature has been called and will meet on the 20th instant, during which session it is expected that a law will be passed carrying into effect the act of Congress aforesaid; therefore,

Resolved, That we call upon the legislature for the passage of an act

at the said extra session, with ample provisions for the sale and reclamation of said lands, in accordance with the terms of the aforesaid act of Congress, that the swamp and overflowed lands within the limits of our county may be drained and rendered fit for cultivation, and the chief obstacle to its speedy settlement thereby removed.

Resolved, That we regard each and every attempt of the legislature to divert the said lands or their proceeds to other purposes than that contemplated by the grant, as a wanton violation of the trust and confidence reposed in the State by the transfer of said land as aforesaid, and an infringment of the rights of the inhabitants of those counties in which said lands are situute, who are as much entitled to have said lands reclaimed as provided by the grant, as the inhabitants of a school district are to their ratio of the school fund; and it would be as reasonable for the legislature to appropriate the primary school fund in aid of Gen. Walker's fillibustering expedition as to undertake by a forced construction of the said grant to appropriate the said swamp lands for any purpose without first providing for their reclamation.

Resolved, That we are in favor of a law transferring said lands to the counties in which they are situated, to be sold and reclaimed under the supervision and direction of such officers resident of the county as said law may designate, as the most likely to secure a faithful and impartial execution of the trust, and a judicious appropriation of the said lands in kind, or the proceeds thereof, to the beneficent object of the grant.

Mr. Wyllis from the committee on that subject, reported a memorial to the meeting.

On motion of William R. Stafford it was

Resolved, That the memorial be adopted by this meeting and that it be circulated among the people of the county of Sanilac for their signatures.

On motion of S. Hitchcock the following resolution was adopted:

Resolved, That a copy of the proceedings of this meeting be forwarded to our Senator and and Representative in the Legislature.

On motion of C. Blake, the meeting adjourned.

W. S. MILLS,
Chairman.

WATSON HUBBARD,
Secretary.

MOTIONS, RESOLUTIONS AND NOTICES.

On motion of Mr. Mulholland,

Leave of absence was granted to Mr. Calhoun, for one day, on account of sickness.

On motion of Mr. Porter,

Mr. Hannah was granted leave of absence for the session on account of sickness in his family.

Mr. Brownell offered the following:

Resolved, That this House authorize and instruct the special committee of five appointed to examine into the condition of the finances of the State, to proceed at their earliest convenience to the office of the Treasurer of the State of Michigan and there examine the vouchers for the expenditures of the State for the last fiscal year, and the quantity and quality of the funds now in the Treasury.

On motion of Mr. Beecher,

The resolution was laid upon the table.

Mr. R. Goodrich, by unanimous consent, introduced a bill entitled

A bill to secure pre-emption rights to settlers on swamp lands.

Which was read twice, when

Mr. R. Goodrich moved that the bill be laid upon the table and ordered printed.

Mr. Mussey called for a division of the question.

The motion to lay on the table was adopted.

The question being on the motion to print, it was also adopted.

By unanimous consent, the committee on State affairs submitted the following report:

The committee on State affairs, to whom was referred

A bill to amend section 12 of chapter 17 of the revised statutes of 1846, entitled "of the assessment and collection of taxes,"

Respectfully report that they have had the same under consideration and recommend its passage, and ask to be discharged from the further consideration of the same.

Report accepted and commmittee discharged.

The bill was read twice, whereupon

Mr. Kellogg moved that the rules be suspended, bill read a third time and placed on its final passage.

Two-thirds of all the members elect voting for the motion, it was adopted.

The bill being

A bill to amend section 62 of chapter 17 of the Revised Statutes of 1846, entitled "of the assessment and collection of taxes,"

Was then read a third time, and a majority of all the members elect voting therefor, it passed, by yeas and nays as follows:

YEAS.

Mr.	Allen,	Mr.	Germain,	Mr.	Monroe,
	Allman,		Goodman,		Mulholland,
	Ashmun,		C. B. Goodrich,		Munger,
	Bacon,		Goodwin,		Muscott,
	Bartlett,		Gregory,		Mussey,
	Beecher,		Gulley,		Nevins,
	Berry,		Harvey,		Parkill,
	Blodgett,		Haze,		E. Perry,
	Brooks,		High,		G. D. Perry,
	Brown,		House,		Potter,
	Brownell,		How,		Schemerhorn,
	Buckley,		Hurd,		Sessions,
	Chase,		Jerome,		Shaw,
	Clark,		Judd,		Simonson,
	Cook,		Kanter,		Smith,
	Combes,		Kellogg,		Stoddard,
	Crosby,		Kipp,		Sutton,
	J. M. Davis,		Leland,		Wade,
	W. Davis,		Linderman,		Wendell,
	Dunbar,		Ludlow,		Wetherbee,
	Enos,		McMahon,		Whitney,
	Erskine,		Merrill,		Yerkes,
	Fargo,		Miller,		Speaker. 69

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Title agreed to.

On motion of Mr. Clark,

By a vote of two-thirds of all the members elect the bill was ordered to take immediate effect.

Mr. Gregory moved that the bill entitled

A bill to provide for the sale of the swamp lands, and the reclamation thereof, and to secure the pre-emption claims of settlers thereon,"

Be taken from the table.

Which motion prevailed.

Mr. Clark moved that the House resolve itself into committee of the whole for the consideration of the same.

Withdrawn.

Mr. Blodgett moved that the bill be made the special order for this afternoon at half past 2 o'clock.

Adopted.

Mr. Sherman moved that a bill entitled

A bill granting the swamp lands in the Upper Peninsula to the counties in which they are situated,

Be taken from the table.

Adopted.

Mr. Sherman moved that the bill be placed on the general order.

Adopted.

Mr. Beecher moved that the bill be taken from the general order and be made the special order for to-morrow morning at 11 o'clock.

Adopted.

On motion of Gregory,

The House adjourned till 2 o'clock this afternoon.

AFTERNOON SESSION.

2 o'clock P. M.

House met pursuant to adjournment, and was called to order by the Speaker.

Roll called; quorum present.

The Speaker announced the following commnication from the Senate, which was read by the Clerk:

SENATE CHAMBER,
January 25, 1858.

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to transmit to the House of Representatives,

A bill to amend an act entitled "an act to define the limits, jurisdiction and powers of circuit courts," approved April 8, 1851.

Which the Senate have passed by a majority vote of all the Senators elect, and ordered to take immediate effect by a vote of two-thirds of all said Senators.

Very respectfully,

ISAAC W. WILDER,

Secretary of the Senate.

Bill read twice and referred to the judiciary committee.

On motion of Mr. Sherman,

The House took up the special order, being

A bill to provide for the sale of the swamp lands and the reclamation thereof, and to secure the pre-emption claims of settlers thereon.

Mr. Mussey moved that the House go into committeee of the whole in consideration of the same.

Mr. Whitney offered the following substitute:

Resolved, That the special order for this hour be taken up and be considered as in committee of the whole.

Which was not adopted.

The question being on the original motion, it was adopted.

And the House went into committee of whole to consider said bill, Mr. Blodgett in the Chair.

And after some time spent thereon, the committee rose, and through their chairman, reported to the House that they had had under consideration

A bill for the sale of the swamp lands and the reclamation thereof and to secure the pre-emption claims of settlers thereon.

Upon which they report progress, and ask leave to sit again.

Report accepted and leave granted.

On motion of Mr. Shermerhorn,

The House adjourned till 9 o'clock to-morrow morning.

Lansing, Tuesday, January 26, 1858.

House met pursuant to adjournment, and was called to order by the Speaker.

Prayer by Rev. Mr. Bowser.

Roll called, quorum present.

Absent, Messrs. Blodgett, Brownell, Chase, Crosby, J. M. Davis, Hannah, Jerome, Judd, Kanter, McKnight, McKinley, Merrill, Muscott, Nevins, O'Flynn, Parkill, White.

PETITIONS PRESENTED.

Mr. Bartlett presented the following:

Petition of James L. Ketchum and 50 others, praying for the drainage of the swamp lands; also,

Of D. P. Herison and 60 others, praying that the swamp lands may be placed in market, and that the same may be drained "so far as necessary;" also,

Of D. G. Philbrick and 65 others, praying that the swamp lands may be sold, drained and reclaimed; also,

Of Frederick Schilling and 61 others, praying for a dispoeition of the swamp lands in accordance with the act granting the same to this State; also,

Of C. P. Abbott and 60 others; also, of A. Watrous, P. McGlone and 138 others; also, of Amos Wolverton and 52 others, praying for the sale and reclamation of the swamp lands.

All of which were referred to the special committee on swamp lands.

By Mr. House:

Petition of Martin Ruggles and 37 other citizens of Hartford, Van Buren county, praying that the Commissioner of the State Land Office may be authorized to sell and convey to said township two acres of land, being a part of the north-east quarter of south-west quarter of section 16, town 3 south of range 16 west, to be used and occupied as a burying ground.

Referred to committee on State Affairs.

REPORTS OF STANDING COMMITTEES.

The committee on State Affairs, to whom was referred

A bill to authorize the Supervisor of the township of Macomb to make a new assessment of the real and personal property in said township, and to extend the time for the collection of taxes in said township,

Respectfully report that they have had the same under consideration, and recommend that section 3 be amended by inserting the word "unpaid," before the word "taxes," in the third line, and so amended, recommend its passage, and ask to be discharged from the further consideration of the same.

F. W. KELLOGG,
Chairman.

Report accepted, and the committee discharged.

On motion of Mr. Mussey,

The amendment was concurred in.

On motion of Mr. Kellogg,

The rule was suspended, and the bill placd on its final passage.

The bill, being

A bill to authorize the supervisor of the township of Macomb, in the county of Macomb, to make a new assessment of the real and personal property in said township, and to extend the time for the collection of taxes in said township,

Was then read a third time, and a majority of all the members elect voting therefor, it passed, by yeas and nays as follows:

YEAS.

Mr.	Allen,	Mr.	Goodman,	Mr.	Monroe,
	Allman,		C. B. Goodrich,		Mulholland,
	Ashmun,		R. Goodrich,		Munger,
	Bacon,		Gregory,		Mussey,
	Bartlett,		Harvey,		Nevins,
	Beecher,		Haze,		E. Perry,
	Berry,		High,		G. D. Perry,
	Brooks,		House,		Potter,
	Brown,		Hurd,		Schermerhorn,
	Buckley,		Ives,		Sessions,
	Calhoun,		Jerome,		Shaw,
	Caukin,		Judd,		Simonson,
	Clark,		Kellogg,		Smith,
	Cook,		Kipp,		Stoddard,
	Combes,		Leland,		Sutton,
	Crosby,		Linderman,		Wade,
	W. Davis,		Ludlow,		Wendell,
	Enos,		McMahon,		Wetherbee,
	Erskine,		Merrill,		Yerkes,
	Fargo,		Miller,		Speaker,
	Germain,				6

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Title agreed to.

On motion of Mr. Clark,

By a vote of two thirds of all the members elect, the bill was ordered to take immediate effect.

The Judiciary Committee submitted the following report:

Your committee to whom was referred Senate bill No. 3, entitled,

A bill to amend an act entitled "an act to define the limits, jurisdiction and power of the Circuit Courts, approved April 8, 1851,"

Respectfully report that they have had the same under consideration, and have instructed their Chairman to report the same back to the House without amendment and recommend its passage, and that they be discharged from the further consideration of the same.

H. A. SHAW,
Chairman.

Report accepted and committee discharged.

The bill was then placed on the order for third reading.

MOTIONS, RESOLUTIONS AND NOTICES.

Mr. Schermerhorn offered the following:

Resolved, That hereafter no member shall be allowed to speak more than ten minutes in regard to any subject matter before the House.

Adopted.

Mr. Allman offered the following:

Resolved, (the Senate concurring,) That the legislature of Michigan, now in session, will adjourn *sine die*, on Friday the 29th inst., at 12 o'clock, noon.

Which, under the rule, was laid on the table for one day.

UNFINISHED BUSINESS.

On motion of Mr. Clark,

The House resolved itself into committee of the whole upon the unfinished business, being

A bill to provide for the sale of the swamp lands and the reclamation thereof, and to secure the pre-emption claims of settlers thereon,

Mr. Nevins in the Chair.

After some time spent thereon, the committee rose and through their chairman, reported that they had had said bill under consideration, had made some progress, reported the same to the House, and asked leave to sit again.

Report accepted and leave granted.

The hour of 11 having arrived, the House took up the special order, being

A bill granting the swamp lands in the Upper Peninsula, to the counties in which they are situated.

On motion of Mr. McMahon,

The House resolved itself into committee of the Whole in consideration of the same,

Mr. W. Davis in the chair.

And after some time spent thereon, the committee rose, and through their chairman reported that the committee have had the same under consideration, and report progress thereon, and ask leave to sit again.

Report accepted, and leave granted.

Mr Sherman moved that the House take a recess of one hour and a half.

Which motion was not adopted.

On motion of Mr. Beecher,

The House adjourned until 2 o'clock this afternoon.

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AFTERNOON SESSION.

2 o'clock P. M.

House met, and was called to order by the Speaker.

Roll called; quorum present.

The House resumed the order of

UNFINISHED BUSINESS.

Being a bill to provide for the sale of the swamp lands, and the reclamation thereof, and to secure pre-emption claims of settlers thereon,

On motion of Mr. W. Davis,

The House resolved itself into committee of the whole for the consideration of the same,

Mr. Blodgett in the Chair.

Aud after some time spent thereon, the committee rose, and through their chairman reported to the House that the committee have had the same under consideration and report progress thereon, and ask leave to sit again.

Report accepted and leave granted.

On motion of Mr. Clark,

Resolved, That when the House adjourns, it adjourn to meet this evening at seven o'clock.

Mr. Shaw presented the following petition, and moved its acceptance:

The Lansing Literery Association respectfully petition your Honorable body to grant them the use of your Hall, to-morrow (Wednesday)

evening, for the purpose of listening to a lecture from Hon. John N. Ingersoll, of Rochester, N. Y.

The prayer of the petition was not granted.

On motion of Mr. Beecher,

The House adjourned till 7 o'clock this evening.

EVENING SESSION.

7 o'clock P. M.

House called to order by the Speaker.

Roll called, quorum present.

MESSAGES FROM THE SENATE.

By unanimous consent, the Speaker announced the following communications from the Senate, which were read by the Clerk:

SENATE CHAMBER,
Lansing, January 26, 1858.

To the Speaker of the House of Representatives :

SIR:—I am instructed to return to the House of Representatives,

A bill to amend the revised statutes of 1846, and other statutes, so as to adapt them to the organization of the present Supreme Court, and define more accurately the duties of the Judges of the Circuit Courts, and of the Circuit Court Commissioners,

With the following amendments made by the Senate :

Strike out in line two of section 3 the word "returned," and insert the word "entered."

Also, strike out in line 4, of section 9, the words "Notary Public" and "Justice of the Peace."

Also, strike out in line 4 of section 17, the words "Justice of the Peace."

Also, add to section 23, the words, "Circuit Court Commissioners."

Which the Senate have passed, as amended, by a majority of all the Senators elect, and ordered the bill to take effect one day after its approval by the Governor.

In which Senate amendments the concurrence of the House is respectfully asked.

Very Respectfully,

I. W. WILDER,

Secretary of the Senate.

Mr. Clark moved that the House concur in the amendments in gross.

And a majority of all the members elect voting for the amendments, they were passed by yeas and nays as follows:

YEAS.

Mr. Allen,	Mr. Fargo,	Mr. Ludlow,
Bacon,	Germain,	McMahon,
Bartlett,	Goodman,	Miller,
Beecher,	R. Goodrich,	Monroe,
Berry,	Goodwin,	Mulholland,
Blodgett,	Gregory,	Munger,
Brooks,	Harvey,	Muscott,
Brown,	House,	G. D. Perry,
Buckley,	Hurd,	Potter,
Caukin,	Jerome,	Smith,
Clark,	Judd,	Sutton,
Cook,	Kipp,	Wade,
Combes,	Leland,	Yerkes,
W. Davis,	Linderman,	Speaker,
Erskine,		43

NAYS.

Mr. Allman,	Mr. Ives,	Mr. Shaw,
Crosby,	Mussey,	Sherman,
Dunbar,	Nevins,	Simonson,
Enos,	E. Perry,	Wendell,
C. B. Goodrich,	Schemerhorn,	Wetherbee,
How,	Sessions,	Whitney, 18

Pending which vote,

Mr. Schemerhorn moved that Mr. Sutton be excused from voting.

Which was not adopted.

The bill was then referred to the committee on Enrollment and Engrossment.

Also the following:

SENATE CHAMBER,
Lansing, January 26, 1858.

To the Speaker of the House of Representatives:

SIR:—I am instructed by the Senate to return to the House,

A bill to provide rooms for holding the sessions of the Supreme Court, and the collection and preservation of the records of the Supreme Court of the Territory of Michigan,

In the passage of which the Senate have concurred by a majority

vote of all the Senators elect, and ordered the same to take immediate effect by a vote of two-thirds of all said Senators.

Very Respectfully,

Your obedient servant,

ISAAC W. WILDER,

Secretary of the Senate.

The bill was referred to the committee on engrossment and enrollment.

The House then resumed the order of

UNFINISHED BUSINESS,

Being a bill to provide for the sale of Swamp Lands, and the reclamation thereof, and to secure the pre-emption claims of settlers thereon.

On motion of Mr. McMahon,

The House went into committee of the Whole for the consideration of the same,

Mr. Blodgett in the chair,

And after some time spent thereon, the committee rose, and through their chairman reported the same back to the House with amendments thereto, and repectfully ask the the concurrence of the House therein.

Report accepted and committee discharged.

Mr. Ashmun moved that the House concur in the amendments in gross.

Pending which,

On motion of Mr. Judd,

The House adjourned till 9 o'clock to-morrow morning.

Lansing, Saturday, January 27, 1858.

House met at 9 o'clock pursuant to adjournment, and was called to order by the Speaker.

Prayer by Rev. Mr. Somerville.

Roll called, quorum present.

Absent—Messrs. Blodgett, Brownell, Chase, Gulley, Hannah, Kanter, Ludlow, McKnight, McKinley, Mussey, Nevins, O'Flynn, Sherman and White.

PETITIONS PRESENTED.

By Mr. Erskine: petition of John Gilberth and others praying to have the proceeds of the Swamp Lands applied to ditching, draining, and reclaming the same.

Referred to special committee on Swamp Lands.

THIRD READING OF BILLS.

Senate bill No. 3, being

A bill to amend an act entitled "an act to define the limits, jurisdiction and powers of Circuit Courts," approved April 8, 1851,

Was read a third time, and a majority of all the members elect voting therefor, it was passed by yeas and nays, as follows:

YEAS.

Mr. Allen,	Mr. Germain,	Mr. Mulholland,
Allman,	Goodman,	Munger,
Ashmun,	C. B. Goodrich,	Muscott,
Bacon,	Goodwin,	Parkill,
Bartlett,	Harvey,	E. Perry,
Beecher,	House,	Porter,
Berry,	Hurd,	Potter,
Brooks,	Ives,	Schermerhorn,
Brown,	Jerome,	Sessions,
Buckley,	Kellogg,	Shaw,
Calhoun,	Kipp,	Simonson,
Caukin,	Leland,	Smith,
Clark,	Linderman,	Sutton,
Cook,	Ludlow,	Wade,
Combes,	McMahon,	Wetherbee,
W. Davis,	Miller,	Whitney,
Dunbar,	Merrill,	Yerkes,
Erskine,	Monroe,	Speaker,
Fargo,		57

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Mr. J. M. Davis,	Mr. Gregory,	Mr. How,
R. Goodrich,	High,	Wendell, 6

Title agreed to.

On motion of Mr. Shaw,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

UNFINISHED BUSINESS.

The Speaker announced the unfinished business of the preceding day, being

A bill to provide for the sale of the swamp lands, and the reclamation thereof, and to secure pre-emption claims of settlers thereon.

The question recurring upon the motion to concur in the amendments made thereto in committee of the whole, in gross, the motion was withdrawn.

Mr. Clark moved to act upon the amendments *seratim.*

Adopted.

And the amendments were severally concurred in except the amendment to insert in section 7, after the word "provided," as follows: "that any person entitled to pre-emption as aforesaid, who shall settle upon any of the swamp lands subsequent to the offering of the same at public sale, shall be entitled to purchase the same of the State at fifty cents per acre; *And provided further.*"

Mr. Sutton move to strike out section 11 of the bill and insert in place thereof section 12.

Lost.

Mr. Gregory moved to amend section 5 by adding thereto the following:

"And the principal thereof is hereby appropriated to the payment of the outstanding indebtedness of the State, secured by its bonds or stocks."

Mr. Schemerhorn rose to a point of order, that Mr. Gregory had occupied the floor more then minutes in discussing his amendment.

On motion of Mr. Clark,

Leave was granted him to continue his remarks.

Mr. Whitney offered the following as a substitute for the amendment:

Strike out all of section 5 after the word "State," in line 3, and insert in place thereof the amendment offered by by Mr. Gregory.

Which was not adopted.

Pending the motion to amend,

On motion of Mr. E. Perry,

The House adjourned till two o'clock P. M.

AFTERNOON SESSION.

2 o'clock P. M.

House met pursuant to adjournment, and was called to order by the Speaker.

Roll called; quorum present.

The House resumed the order of

UNFINISHED BUSINESS,

In the consideration of

A bill to provide for the sale of the swamp lands and the reclamation thereof, and to secure the pre-emption claims of settlers thereon.

The question being as follows:

Add to section 5 the words, "and the principal thereof is hereby appropriated to the payment of the outstanding indebtedness of the State, secured by its bonds or stocks."

Which amendment, after discussion, was withdrawn.

Mr. Gregory then offered the following:

Add to section 5 the words, "and the principal shall be applied to the payment of the indebtedness of the State, until said principal shall be appropriated for the purpose of reclaiming said swamp land, as provided in this section."

On the passage of which, Mr. Clark called for the yeas and nays.

The call was sustained, and a majority of the members voting against the amendment, it was not adopted, as follows:

YEAS.

Mr. Allman,	Mr. Harvey,	Mr. Nevins,
Berry,	Haze,	E. Perry,
Blodgett,	House,	G. D. Perry,
Brown,	Hurd,	Sherman,
Buckley,	Ives,	Simonson,
Calhoun,	Judd,	Stoddard,
Cook,	Leland,	Wade,
Combes,	Linderman,	Wetherbee,
W. Davis,	Muscott,	Yerkes,
Goodwin,	Mussey,	Speaker,
Gregory,		31

NAYS.

Mr. Allen,	Mr. Fargo,	Mr. Merrill,
Ashmun,	Germain,	Miller,
Bacon,	Goodman.	Monroe,
Bartlett,	C. B. Goodrich,	Mulholland,
Beecher,	R. Goodrich,	Munger,
Brooks,	Gulley,	Parker,
Brownell,	High,	Schemerhorn,
Caukin,	How,	Sessions,
Clark,	Jerome,	Shaw,

Crosby,	Kellogg,	Smith,	
J. M. Davis,	Kipp,	Sutton,	
Dunbar,	Ludlow,	Wendell,	
Erskine,	McMahon,	Whitney,	39

Mr. Gregory moved to amend by striking out all that part of section 5 after the word "State," in line 4.

Upon which motion Mr. Sutton called for the yeas and nays,

Which call was sustained, and the amendment prevailed, a majority voting therefor, by yeas and nays as follows:

YEAS.

Mr. Allen,	Mr. Goodman,	Mr. Mussey,
Allman,	C. B. Goodrich,	Nevins,
Ashmun,	R. Goodrich,	Parkill,
Bacon,	Goodwin,	E. Perry,
Bartlett,	Gregory,	G. D. Perry,
Beecher,	Gulley,	Porter,
Blodgett,	Harvey,	Potter,
Brooks,	House,	Schemerhorn,
Brown,	Ives,	Sessions,
Buckley,	Jerome,	Shaw,
Calhoun,	Judd,	Simonson,
Caukin,	Kellogg,	Smith,
Clark,	Kipp,	Stoddard,
Cook,	Leland,	Sutton,
Combes,	Linderman,	Wade,
Crosby,	Merrill,	Wetherbee,
W. Davis,	Monroe,	Whitney,
Enos,	Mulholland,	Yerkes,
Fargo,	Muscott,	Speaker.
Germain,		58

NAYS.

Mr. Berry,	Mr. High,	Mr. Miller,
Brownell,	How,	Munger,
Chase,	Kanter,	Sherman,
J. M. Davis,	Ludlow,	Wendell,
Dunbar,		13

Mr. Sutton moved to strike out section 5 and insert the following:

Of the proceeds of the sales of said swamp lands, paid or to be paid into the State treasury twenty-five per centum shall be reserved and set apart as a drainage fund for the purpose of aiding the counties in which the lands sold may lie, the interest of which, at the rate of 7 per cent., shall be in pursuance of law appropriated to drain such of the said lands as are situate in the county, and which, in the opinion of the supervisors,

are capable of drainage, and can be profitably drained, and shall not have been sold under the provisions of this act. And the balance of such proceeds, after deducting the necessary and lawful expenses of such sales, shall be appropriated to and constitute a part of the Primary School fund, derived from the sales of the primary school lands. Said balance shall be considered as loaned to the State at an interest of seven per cent. per annum, which interest shall be paid into the primary school fund annually, and the principal thereof is hereby appropriated to the payment of the outstanding indebtedness of the State, secured by its bonds or stocks in the order in which they shall fall due.

Mr. Allen offered the following as a substitute:

Section 5. The money received from such sales after deducting all necessary expenses of advertising and selling, shall be paid into the State treasury, and be by the treasurer paid out in the manner following, to wit: One half of all the proceeds of such sales shall be paid out on the order of the ditch commissioners of the respective counties in which such lands were sold, to be by them expended exclusively in draining such lands under the orders of the boards of supervisors of their counties. *Provided*, That said commissioners, if ordered by said boards of supervisors, may and they are hereby authorized to anticipate the proceeds of such sales in the construction of such ditches.

Sec. 6 One half of all the proceeds of such sales shall be and remain in the State treasury, and constitute and remain a swamp land fund, which fund shall be considered loaned to the State at an interest of 7 per cent., which interest shall be paid annually into the primary school fund, and the principal shall be used and applied by the treasurer of the State, in payment of the outstanding indebtedness of the State secured by its bonds.

Mr. Schemerhorn called for the yeas and nays.

The call was sustained.

Mr. Allen called for a division of the question.

The question being on striking out section 5, the House refused to strike out, by yeas and nays as follows:

YEAS.

Mr. Allen,	Mr. Gulley,	Mr. Parkill,
Blodgett,	High,	G. D. Perry,
Brownell,	How,	Schemerhorn,
Chase,	Judd,	Sherman,

Clark,	Kanter,	Smith,	
J. M. Davis,	Leland,	Stoddard,	
Dunbar,	Ludlow,	Sutton,	
Enos,	Mulholland,	Yerkes,	
Goodman	Mussey,		26

NAYS.

Mr.	Allman,	Mr.	Fargo,	Mr.	Monroe,
	Ashmun,		Germain,		Munger,
	Bacon,		C. B. Goodrich,		Muscott,
	Bartlett,		R. Goodrich,		Nevins,
	Beecher,		Goodwin,		E. Perry,
	Berry,		Gregory,		Porter,
	Brooks,		Harvey,		Potter,
	Brown,		House,		Sessions,
	Buckley,		Ives,		Shaw,
	Calhoun,		Jerome,		Simonson,
	Caukin,		Kellogg,		Wade,
	Cook,		Kipp,		Wendell,
	Combes,		Linderman,		Wetherbee,
	Crosby,		McMahon,		Whitney,
	W. Davis,		Merrill,		Speaker.
	Erskine,		Miller,		47

Mr. Sutton moved to amend section 2 by striking out in lines 1 and 2 in said section, the words "one dollar and twenty-five cents," and insert in lieu thereof, "two dollars."

Not adopted.

Mr. Gregory offered the following to stand as a new section:

Section —. All the provisions of law in force, not inconsistent with this act, and applicable to the public lands of this State, shall be held to apply to the said swamp lands, and all powers and duties presented to any public officers, or court or prosecuting attorney, relative to the public lands shall, if not inconsistent with this act, be executed and performed in relation to said swamp lands.

Adopted.

Mr. Shaw moved to recommit the bill with instructions to the committee to insert in said bill a provision declaratory of the rights of pre-emptors, with the forms of declaration of intention, and requisite proofs by affidavits or otherwise, to be made by such pre-emptors to receive the same.

Also, to so amend said bill that notices of the time and place and description of lands to be sold, shall not exceed the sum of fifteen thous-

and dollars, and to make such other amendments as may be necessary to carry out the views of the House on the various amendments made thereto.

Mr. Judd moved to amend by adding the following:

Amend section five so as to set apart and appropriate to the primary school fund, thirty per cent of the money arising from the sale of the swamp lands, and the balance to the reclamation and draining the swamp lands as provided in the act granting said lands to this State, the interest to accrue in favor of said fund.

Mr. Ives called for the yeas and nays, which call was sustained.

And a majority not voting therefor the amendment was not adopted, by yeas and nays as follows:

YEAS.

Mr. Allen,	Mr. Goodwin,	Mr. E. Perry,
Brown,	House,	Schermerhorn,
Calhoun,	Hurd,	Sessions
Cook,	Ives,	Simonson,
Combes,	Judd,	Smith,
Crosby,	Leland,	Stoddard,
J. M. Davis,	Mulholland,	Sutton,
Dunbar,	Muscott,	Wade,
Germain,	Mussey,	Yerkes,
Goodman,		28

NAYS.

Mr. Allman,	Mr. Erskine,	Mr. McMahon,
Ashmun,	Fargo,	Merrill,
Bacon,	C. B. Goodrich,	Miller,
Bartlett,	R. Goodrich,	Nevins,
Beecher,	Gregory,	Parkill,
Berry,	Gulley,	Potter,
Brooks,	Harvey,	Porter,
Brownell,	Haze,	Shaw,
Buckley,	Jerome,	Sherman,
Caukin,	Kellogg,	Wendell,
Chase,	Kipp,	Wetherbee,
Clark,	Linderman,	Whitney,
Enos,	Ludlow,	Speaker, 39

Mr. Schemerhorn offered the following amendment:

That the committee be instructed to strike out all of section 11.

Mr. Allen moved to amend the amendment by adding thereto the words, "and insert a section withholding the lands therein mentioned from sale entirely."

Which motion was not adopted.

Mr. Schemerhorn moved the previous question on the amendment.

The Speaker announced, "Shall the main question now be put!"

Which was decided in the affirmative.

Mr. Schemerhorn called for the yeas and nays.

Which call was sustained.

And the amendment was voted upon with the following result.

YEAS.

Mr. Allen,	Mr. Gulley,	Mr. Miller,
Berry,	Harvey,	Mulholland,
Blodgett,	Haze,	Munger,
Brownell,	High,	Nevins,
Calhoun,	How,	G. D. Perry,
Caukin,	Hurd,	Potter,
Chase,	Judd,	Schemerhorn,
Combes,	Kellogg,	Sherman,
Crosby,	Leland,	Sutton,
J. M. Davis,	Ludlow,	Wendell,
Dunbar,	Merrill,	Speaker,
Erskine,		34

NAYS.

Mr. Ashmun,	Mr. Goodman,	Mr. Parkill,
Bacon,	C. B. Goodrich,	E. Perry,
Bartlett,	R. Goodrich,	Sessions,
Beecher,	Goodwin,	Shaw,
Brooks,	Gregory,	Simonson,
Brown,	Jerome,	Smith,
Buckley,	Kipp,	Stoddard,
Cook,	Linderman,	Wade,
W. Davis,	McMahon,	Wetherbee,
Enos,	Monroe,	Whitney,
Fargo,	Muscott,	Yerkes,
Germain,	Mussey,	35

Before the vote was announced Mr. Blodgett moved a call of the House.

Which was ordered.

The Clerk called the roll.

Absent without leave, Messrs. Kanter, McKnight, McKinley, O'Flynn, Porter, White.

On motion of Mr. Kellogg,

Further proceedings under the call were dispensed with.

Whereupon, by unanimous consent, the roll was again called, and the amendment was not adopted, by yeas and nays as follows:

YEAS.

Mr. Allen,	Mr. Erskine,	Mr. Miller,
Berry,	Gulley,	Mulholland,
Blodgett,	Harvey,	Munger,
Brownell,	Haze,	Nevins,
Calhoun,	High,	G. D. Perry,
Caukin,	How,	Potter,
Chase,	Hurd,	Schemerhorn,
Clark,	Ives,	Sherman,
Combes,	Judd,	Sutton,
Crosby,	Ludlow,	Wendell,
J. M. Davis,	Merrill,	Speaker,
Dunbar,		34

NAYS.

Mr. Allman,	Mr. Goodman,	Mr. Muscott,
Ashmun,	C. B. Goodrich,	Mussey,
Bacon,	R. Goodrich,	Parkill,
Bartlett,	Goodwin,	E. Perry,
Beecher,	Gregory,	Sessions,
Brooks,	House,	Shaw,
Brown,	Jerome,	Simonson,
Buckley,	Kellogg,	Smith,
Cook,	Kipp,	Stoddard,
W. Davis,	Leland,	Wetherbee,
Enos,	Linderman,	Whitney,
Fargo,	McMahon,	Yerkes,
Germain,	Monroe,	38

The question recurring on the original motion,

It was adopted.

On motion of Mr. Kellogg, it was

Resolved, That when this House adjourn, it adjourn to meet this evening at seven o'clock.

By unanimous consent, the Speaker announced the following:

MESSAGES FROM THE SENATE.

SENATE CHAMBER,
Lansing, Jan. 27, 1858.

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to transmit to the House of Representatives,

Joint Resolution relative to an appropriation of a grant of land for the endowment of the Michigan Agricultural College,

Which the Senate have passed by a majority vote of all the Sena-

ators elect, and in which the concurrence of the House is respectfully asked.

Very respectfully,

Youry ob't sevant,

ISAAC W. WILDER,

Secretary of the Senate.

Read twice, and Mr. McMahon moved the rule be suspended, and the Joint Resolution placed on its final passage.

Pending which,

On motion of Mr. R. Goodrich,

The motion was laid on the table.

Also:

SENATE CHAMBER, }
January 27, 1858. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to return to the House

A bill to amend section 62 of chapter 17 of the revised statutes of 1846, entitled "of the assessment and collection of taxes,"

With the following amendments:

Strike out in line 3, of section 1, the words "revised statutes of 1846," and insert "compiled laws of 1857."

Also, add in the 8th line of said section, after the words "officer," the words "of any city."

Also, amending the title of said bill by striking out the words "revised statutes of 1846," and insert "compiled laws of 1857.',

In the passage of which, as amended, the Senate have concurred by a majority vote of all the Senators elect, and ordered to take immediate effect by a vote of two-thirds of said Senators, in which amendments the concurrence of the House is respectfully asked.

Very respectfully,

Your ob't servant,

ISAAC W. WILDER.

Secretary of the Senate.

M. E. Perry moved that the House concur in the amendments.

And a majority of all the members elect voting therefor, the amendments were concurred in by yeas and nays, as follows:

YEAS.

Mr. Allen,	Mr. C. B. Goodrich,	Mr. Munger,
Allman,	Goodwin,	Muscott,
Ashman,	Gregory,	Mussey,
Bacon,	Harvey,	Nevins,
Bartlett,	Haze,	Parkill,
Berry,	House,	E. Perry,
Blodgett,	How,	G. D. Perry,
Brown,	Hurd,	Potter,
Brownell,	Ives,	Schermerhorn,
Buckley,	Jerome,	Sessions,
Calhoun,	Judd,	Shaw,
Caukin,	Kellogg,	Simonson,
Clark,	Kipp.	Smith,
Cook,	Leland,	Stoddard,
Combes,	Linderman,	Sutton,
W. Davis,	Ludlow,	Wade,
Dunbar,	McMahon,	Wendell,
Enos,	Merrill,	Wetherbee,
Erskine,	Miller,	Yerkes,
Germain,	Monroe,	Speaker,
Goodman,		61

NAYS. 0

The bill was then referred to the committee on Enrollment and Engrossment.

Mr. Nevins moved to reconsider the vote whereby the House adjourned to 7 o'clock this evening.

Lost.

Mr. R. Goodrich moved to reconsider the vote, whereby Senate Joint Resolution relative to an appropriation of a grant of land for the endowment of the Michigan Agricultural College, was laid upon the table.

Adopted.

The Joint Resolution was then referred to the special committee on Swamp Lands.

On motion of Mr. Schemerhorn,

The House adjourned to 7 o'clock this evening.

—

EVENING SESSION.

7 o'clock, P. M.

House met pursuant to adjournment, and was called to order by the Speaker.

Roll called; quorum present.

The Speaker announced the following message from the Senate.

SENATE CHAMBER,
Lansing, January 27, 1858.

To the Hon. the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to transmit to the House of Representatives, Senate bill No. 5, being

A bill to amend an act entitled "an act to repeal chapter 25 of the revised statutes of 1846;" also, act 88, entitled an act to amend chapter 25 of the revised statutes of 1846, relative to laying out, altering and discontinuing highways, approved March 18, 1848; also, act No. 72, entitled an act to amend chapter 25 of the revised statutes of 1846, approved March 15, 1848, and to provide for altering, laying out and discontinuing highways, approved February 17, 1857,

Which the Senate have passed by a majority vote of all the Senators elect, and ordered to take immediate effect by a vote of two thirds of all said Senators, in all of which the concurrence of the House is respectfully asked.

Very respectfully,
Your obedient servant,
ISAAC W. WILDER,
Secretary of the Senate.

Read twice and referred to the Committee on State affairs.

Also, the following:

SENATE CHAMBER,
Lansing, Jan. 27, 1858.

To the Speaker of the House of Representatives :

SIR—I am instructed to transmit to the House,

Joint Resolution relative to the protection and permanent security of the St. Mary's Falls Ship Canal; also, a bill to provide for the payment of Members and Officers of the extra session of the Legislature for the year eigeteen hundred and fifty-eight,

Which the Senate have passed by a vote of a majority of all the Senators elect, and ordered the last named bill to take immediate effect by a two-thirds vote of all said Senators, in all of which the concurrence of the House is respectfully asked.

Very respectfully,
ISAAC W. WILDER,
Secretary of the Senate.

The bill was read twice and referred to the committee on Ways and and Means.

The joint resolution was read twice and referred to the committee on Federal Relations.

Mr. McMahon, chairman of the special committee on swamp lands, by unanimous consent, submitted the following report:

Your committee to whom was referred

A joint resolution relative to an appropriation of a grant of land for the endowment of the Michigan Agricultural College,

Have had the same under consideration, and have instructed me to report favorably, and recommend the passage of the same.

On motion of Mr. Mussey,

The rule was suspended requiring the second and third reading on different days, and the joint resolution placed on its final passage.

The joint resolution, being

Joint resolution relative to an appropriation of a grant of land for the endowment of the Michigan Agricultural College,

Was then read a third time, and a majority of all the members elect voting therefor, it passed, by yeas and nays as follows:

YEAS.

Mr. Allen,	Mr. C. B. Goodrich,	Mr. Mussey	
Allman,	R. Goodrich,	Nevins,	
Ashmun,	Goodwin,	Parkill,	
Bacon,	Gregory,	E. Perry,	
Bartlett,	Harvey,	G. D. Perry.	
Blodgett,	Haze,	Potter,	
Brooks,	High,	Schemerhorn,	
Brown,	House,	Sessions,	
Caukin,	Ives,	Shaw,	
Clark,	Jerome,	Sherman,	
Cook,	Judd,	Simonson,	
Combes,	Kanter,	Smith,	
Crosby,	Kellogg,	Stoddard,	
J. M. Davis,	Kipp,	Sutton,	
W. Davis,	Leland,	Wade,	
Dunbar,	Ludlow,	Wendell,	
Erskine,	McMahon,	Wetherbee,	
Fargo,	McKnight,	Whitney,	
Germain,	Merrill,	Yerkes,	
Goodman,	Monroe,	Speaker.	60

NAYS.

Mr. Mulholland, 1

Mr. Merrill offered the following:

Resolved, That the Governor be requested to communicate to this House, if in his judgment it shall be compatible with public interest, information as to the reason why patents have not been received from the United States government for the 798,235 19 acres of Swamp Lands, described on page 19 of the Report of the Commissioner of the State Land Office of the State of Michigan for the year 1857, as "acres not patented," and to transmit therewith a copy of any correspondence with the Department of the Interior, if any, on the subject of the non-reception of such patents.

Adopted.

Mr. Gregory moved that the House go into committee of the whole on House bill No 4, being

A bill granting the swamp lands in the Upper Peninsula, to the counties in which they are situated.

Adopted.

The House then went into committee of the whole for the consideration of the same,

Mr. G. D. Perry in the chair.

And after some time spent thereon, the committee rose, and through their chairman reported that the committee have had the same under consideration, and have made amendments thereto, in which the concurrence of the House is asked, and that the committee be discharged.

Report accepted and committee discharged.

On motion of Mr. Erskine,

The amendments were concurred in.

Mr. Gregory moved to amend by inserting in line three, section one, after the word "are" the word "not."

Mr. Sherman called for the yeas and nays, which was sustained.

And a majority not voting for the amendment it was not adopted, by yeas and nays, as follows:

YEAS.

Mr. Buckley,	Mr. Gregory,	Mr. Mussey,	
Cook,	Haze,	Wetherbee,	
Combes,	McMahon,		8

NAYS.

Mr. Allen,	Mr. Goodwin,	Mr. Parkill,	
Allmun,	Harvey,	E. Perry,	
	9		

Ashman,	High,	G. D. Perry,
Bacon,	House,	Schermerhorn,
Bartlett,	How,	Sessions,
Blodgett,	Ives,	Shaw,
Brown,	Jerome,	Sherman,
Caukin,	Judd,	Smith,
Clark,	Kipp,	Stoddard,
J. M. Davis,	Leland,	Sutton,
Erskine,	Ludlow,	Wade,
Fargo,	Merrill,	Wendell,
Germain,	Miller,	Whitney,
Goodman,	Monroe,	Yerkes,
C. B. Goodrich,	Nevins,	Speaker,
R. Goodrich,		46

Mr. Monroe moved that the bill be laid upon the table.

Lost.

The bill was then placed on the order for third reading.

Mr. Monroe moved that the bill be indefinitely postponed.

Lost.

Mr. Clark moved that the bill be placed on its final passage.

Adopted.

Whereupon House bill No. 4, being

A bill granting the swamp lands in the Upper Peninsula to the counties in which they are situated,

Was read a third time, and a majority of all the members elect not voting therefor, it was not passed by yeas and nays as follows:

YEAS.

Mr. Ashmun,	Mr. How,	Mr. Munger,
Blodgett,	Jerome,	Parkill,
J. M. Davis,	Judd,	Sherman,
Dunbar,	Ludlow,	Wade,
Erkine,	Merrill,	Wendell,
Haze,	Miller,	Yerkes,
High,		19

NAYS.

Mr. Allen,	Mr. Goodman,	Mr. E. Perry,
Allman,	C. B. Goodrich,	G. D. Perry,
Bacon,	R. Goodrich,	Potter,
Bartlett,	Gregory,	Schemerhorn,
Berry,	Harvey,	Sessions,
Brown,	House,	Shaw,
Buckley,	Ives,	Smith,
Caukin,	Kipp,	Stoddard,
Clark,	Leland,	Sutton,

Cook,	McMahon,	Wetherbee,
Combes,	Monroe,	Whitney,
Fargo,	Mussey,	Speaker,
Germain,		37

Mr. Kipp, by unanimous consent, pursuant to previous notice, introduced

A bill to legalize appeals and the acts of officers of the county of Gratiot.

Read twice and referred to the judiciary committee.

Mr. Mussey moved to take from the table,

A bill to secure pre-emptien rights to settlers on swamp lands.

Which was not adopted.

On motion of Mr. Goodwin,

The House adjourned till nine o'clock to-morrow morning.

Lansing, Thursday, January 28, 1858.

House met pursuant to adjournment, and was called to order by the Speaker.

Prayer by Rev. Mr. Moore.

Roll called, quorum present.

Absent, Messrs. Chase, Enos, McKnight, McKinley, O'Flynn, Sherman and White.

Mr. Crosby asked and obtained leave of absence for Mr. Enos on account of sickness.

PETITIONS PRESENTED.

By Mr. Parkill: petition of the town board and others, of the township of Shiawassee, county of Shiawassee, asking for an extension of the time for the collection of taxes and legalizing a certain tax roll; also, of N. P. Harder and others, for the same.

Referred to the committee on State affairs.

By Mr. Potter: petition of J. J. Slocum and 63 others, citizens of Kalamazoo county, praying that a part of the proceeds arising from the sales of the swamp lands be appropriated to the higher branches of female education.

Referred to committee on education.

REPORTS OF STANDING COMMITTEES.

Mr. Judd presented the following :

The Commitee on Federal Relations, to whom was referred joint resolution relative to the protection and permanent security of the St. Mary's Ship Canal,

Have had the same under consideration, and report the same back, and recommend its passage, and ask to be discharged from the further consideration of the same.

Report accepted, and committee discharged,

And the joint resolution placed on the order for third reading.

Mr. Brown offered the following:

Resolved, That no member speak more than once, nor longer than five minutes upon any question during the remainder of this session.

Mr. R. Goodrich moved to amend by inserting the word "twice" in place of the word "once."

Which was lost.

Mr. Combes moved to amend by adding at the end thereof the following words:

"Unless the same shall be made for Buncombe."

Which was adopted.

The resolution as amended was lost.

Mr. Blodgett gave notice that on some future day he would ask leave to introduce

A bill to incorporate the city of Ypsilanti.

Mr. R. Goodrich, by unanimous consent, introduced a

Joint resolution relative to the Northern Pacific Railroad,

Which was read twice and referred to the Committee on Federal Retions.

Mr. Sherman offered the following:

Whereas, This House has learned from the message of the Governor, as well as from the Report of the State Treasurer, that it is requisite to provide by law for the issue of a large amount of State Bonds, to provide for State indebtedness now due,

And whereas, It is important that the members of this House should be put in possession of all requisite information relative to the condition of the State Treasury at this time, to enable them to act understandingly upon this subject, therefore,

Resolved, That the select committee, heretofore appointed by this House for that purpose, be and hereby are instructed to fully and carefully examine at once into the affairs of said treasury, as to the quantity and quality of the funds now on hand, the expenditures hitherto made, during the past three years, and the vouchers therefor; and, also, the expenditures necessary to be made during the present year, and report the same to this House, with the least possible delay; and, inasmuch as this House deems it necessary and proper for a fair and impartial investigation of the affairs of said treasury, that every member of said committee should have an opportunity to be present at its sittings, therefore, this House does instruct the chairman of said committee to notify each and every member thereof, of the time and place of each meeting of said committee.

Mr. Kellogg moved to lay the resolutions of the table.

Mr. Sherman called for the yeas and nays.

Which call was not sustained.

The motion to table was then adopted.

THIRD READING OF BILLS.

Senate joint resolution relative to the protection and permanent security of the St. Mary's Falls Ship Canal,

Was read a third time and majority of all the members elect voting therefor, it passed, by yeas and nays as follows:

YEAS.

Mr.	Allen,	Mr.	Goodman,	Mr.	Mulholland,
	Allman,		C. B. Goodrich,		Muscott,
	Ashmun,		R. Goodrich,		Mussey,
	Bacon,		Goodwin,		Nevins,
	Bartlett,		Gulley,		Parkill,
	Beecher,		Harvey,		E. Perry,
	Blodgett,		High,		G. D. Perry,
	Brooks,		House,		Potter,
	Brown,		Hurd,		Sessions,
	Buckley,		Jerome,		Simonson,
	Calhoun,		Judd,		Smith,
	Caukin,		Kellogg,		Stoddard,
	Cook,		Kipp,		Sutton,
	Combes,		Leland,		Wade,
	Crosby,		Linderman,		Wendell,
	W. Davis,		Ludlow,		Whitney,
	Dunbar,		Merrill,		Yerkes,

Fargo,	Miller,	Speaker,
Germain,	Monroe,	56

NAYS. 0

Mr. Blodgett moved to reconsider the vote whereby the joint resolution was passed.

Adopted.

Mr. Blodgett moved to recommit the same to the committee on Federal Relations with instructions to amend the preamble.

Adopted.

Mr. Sutton moved that the House adjourn.

Lost.

Mr. Judd offered the following:

Resolved, That the debate on the bill before this House, for the sale and reclamation of the swamp lands, be closed at 3 o'clock P. M., this day.

Lost.

Mr. Beecher moved that the House take a recess until 11 o'clock.

Lost.

By unanimous consent, the committee on Federal Relations submitted the following report:

The committee on Federal Relations, to whom was referred the joint resolution relative to the Northern Pacific Railroad, have had the same under consideration, and report the same back, and ask to be discharged from the further consideration of the same.

On motion of Mr. Monroe,

The rule requiring the second and third reading on different days, was suspended, and the joint resolution placed on its final passage.

The joint resolution relative to the Northern Pacific Railroad,

Was read a third time, and a majority of all the members voting therefor, it passed, by yeas and nays, as follows:

YEAS.

Mr. Allen,	Mr. C. B. Goodrich,	Mr. Munger,
Allman,	R. Goodrich,	Muscott,
Ashmun,	Goodwin,	Mussey,
Bacon,	Gregory,	Nevins,
Bartlett,	Gulley,	Parkill,
Beecher,	Harvey,	G. D. Perry,
Blodgett,	Haze,	Potter,
Brown,	House,	Schemerhorn,

Buckley,	How,	Sessions,
Calhoun,	Hurd,	Simonson,
Caukin,	Jerome,	Smith,
Cook,	Kellogg,	Stoddard,
Combes,	Kipp,	Sutton,
Crosby,	Leland,	Wade,
W. Davis,	Linderman,	Wendell,
Dunbar,	Ludlow,	Wetherbee,
Fargo,	Merrill,	Yerkes,
Germain,	Monroe,	Speaker,
Goodman,	Mulholland,	54

NAYS. 0

The preamble was adopted and the title agreed to.

Mr. Gregory, from the committee on ways and means, by unanimous consent, submitted the following report:

The committee on ways and means, to whom was referred Senate bill No. 2, being

A bill to provide for the payment of the members and officers of the extra session of the legislature for the year 1858,

Report the same back to the House with the following amendment, in which the concurrence of the House is respectfully asked:

Amend 2d section, 13th line, by striking out the word "three" and insert in lieu thereof the word "two."

The amendment was concurred in.

Mr. Monroe moved to strike out in section 2, line 7, the word "five.'

Lost.

The bill was then ordered to a third reading.

Whereupon, Senate bill No. 2, being

A bill to provide for the payment of the members and officers of the extra session of the Legislature for the year 1858,

Was read a third time, and a majority of all the members elect voting for the same, it passed by yeas and nays as follows:

YEAS.

Mr. Allen,	Mr. R. Goodrich,	Mr. Muscott,
Allman,	Gulley,	Mussey,
Ashmun,	Harvey,	Nevins,
Bacon,	Haze,	Parkill,
Bartlett,	House,	E. Perry,
Beecher,	Hurd,	G. D. Perry,
Blodgett,	Ives,	Potter,

Brooks,	Jerome,	Sessions,	
Brown,	Judd,	Simonson,	
Calhoun,	Kellogg,	Smith,	
Caukin,	Kipp,	Stoddard,	
Cook,	Leland,	Sutton,	
Combes,	Linderman,	Wade,	
J. M. Davis,	Ludlow,	Wendell,	
W. Davis,	Merrill,	Wetherbee,	
Fargo,	Miller,	Whitney,	
Germain,	Monroe,	Yerkes,	
Goodman,	Mulholland,	Speaker,	
C. B. Goodrich,	Munger,		56

NAYS.

Mr. Dunbar,	Mr. High,	Mr. How.	3

Pending which vote, Mr. Simonson moved that Mr. High be excused from voting.

Lost.

Title agreed to.

On motion of Mr. Beecher,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

By unanimous consent,

Mr. Kellogg, chairman of the committee on State Affairs, submitted the following report:

The committee on State Affairs, to whom was referred Senate bill No. 5, relative to the laying out and discontinuing highways, respectfully report, that they have had the same under consideration and recommend the following amendments:

Strike out the words, "and all roads not recorded, which have been used ten years or more, and all roads which shall hereafter be laid out and not recorded, and which shall be used ten years or more," in lines 3 and 4, in section 27. Also, strike out the words, "a sum not exceeding one-half of one per cent," in section 37, and insert the words, "not exceeding $300 in any one year, and so amended, they recommend its passage.

F. W. KELLOGG,
Chairman.

Report accepted, and committee discharged.

The amendment to section 37 was not concurred in.

Mr. R. Goodrich moved, that the word, "three hundred" be stricken out in the report of the committee, and "five hundred" adopted.

Lost.

The amendment to section 37 was not concurred in.

Mr. Simonson offered the following, as a substitute for section 27:

Any highway that has been traveled for the last ten years by the public, shall be considered a legal highway, whether recorded in the township or not, *Provided*, That said highway is on some regular surveyed line.

Mr. Blodgett called for a division of the question.

The question being on striking out section 27, it was lost.

The bill was referred to committee of the whole, and placed on the general order.

By unanimous consent, Mr. McMahon, chairman of the special committee on swamp lands, reported as follows:

Your committee to whom was re-committed

A bill providing for the sale of the swamp lands, with sundry amendments,

Respectfully report that we have had the same under consideration, that we have arranged said amendments in their proper order, and your committee respectfully recommend an addition to section 2 of said bill, to wit:

"And such lands shall be sold at public and private sale in the smallest legal subdivisions required by purchasers; also, a new section to stand as section three, and sundry other amendments, in all of which the concurrence of the House is requested.

Report accepted.

The amendment to section 2 was concurred in.

Mr. Kellogg moved that the bill be made the special order for this afternoon at two o'clock.

Withdrawn.

Mr. Mussey moved to re-commit to the special committee with instructions to report at their earliest convenience, in accordance with the original instructions.

Mr. Blodgett moved to amend, by instructing the committee to amend by inserting:

"And the committee be also instructed to amend section 5, by restor-

ing the provision in the original draft of the bill, relative to the five per cent. to be paid to the primary school fund."

The Speaker decided that inasmuch as the provision was stricken out by a vote of the House in the same state of the bill, the amendment as presented was out of order.

Mr. Blodgett moved to reconsider the vote to strike out.

Decided out of order while the question of instruction was pending.

Mr. R. Goodrich moved a call of the House,

Pending which,

Mr. Sherman asked, and obtained leave of absence for Mr. Chase.

Mr. Mussey asked and obtained leave of absence for Mr. Porter.

Call of the House was not ordered.

Mr. Sherman moved to amend as follows :

By recommitting the bill with instructions to so alter its provisions as to give the interest of the entire fund to the primary school fund.

Mr. Kellogg moved the previous question, on the amendment, which was ordered.

The amendment was lost, and the question recurring on the originaal motion, it was not adopted

On motion of Mr. Kellogg,

The House adjourned until 2 o'clock this afternoon.

AFTERNOON SESSION.

2 o'clock P. M.

House met, and was called to order by the Speaker.

Roll called; quorum present.

The Speaker announced the following message from the Senate:

SENATE CHAMBER,
Lansing, January 28th, 1858.

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to transmit to the House, Senate bill No. 7, being

A bill authorizing a loan to pay those parts of the State indebtedness falling due before and on the first day of January, A. D. 1859,

Which the Senate have passed by a majority of all the members elect, and ordered to take immediate effect by a vote of two-thirds of

all said Senators, in which the concurrence of the House is respectfully asked.

Very respectfully,

Your obedient servant,

ISAAC W. WILDER,

Secretary of the Senate.

The bill was read twice and referred to the committee of ways and means.

The House resumed the order of

UNFINISHED BUSINESS.

In the consideration of

A bill to provide for the sale of the swamp lands and the reclamation thereof, and to secure the pre-emption claims of settlers thereon.

Mr. Beecher moved that the bill be read by the Clerk.

Adopted.

Mr. Mussey moved that the amendments made by the committee be adopted.

Which motion prevailed.

Mr. Porter moved to strike out in section 11 all after the word "commissioner," in 3d line.

Lost.

The question being upon ordering the bill to a third reading,

Mr. McMahon moved the previous question, which was ordered,

And the bill was placed on the order for third reading.

On motion of Mr. Judd,

The rule was suspended and the bill placed on its final passage.

Mr. Sessions moved to recommit the bill to the special committee, with instructions to strike out in line 5, section 9, the words $1, and insert $1,25.

The House having once refused to insert "one dollar and twenty-five cents," the amendment was declared out of order.

Mr. Blodgett called the previous question.

The call was sustained by the House.

The question being on the final passage of the bill,

A bill to provide for the sale of the swamp lands and the reclamation thereof, and to secure the pre-emption claims of settlers thereon,

Which was passed by yeas and nays, a majority of all the members elect voting therefor, as follows:

YEAS.

Mr. Allman,	Mr. Fargo,	Mr. Merrill,	
Ashmun,	Germain,	Monroe,	
Bacon,	C. B. Goodrich,	Muscott,	
Bartlett,	R. Goodrich,	Mussey,	
Beecher,	Goodwin.	Parkill,	
Brooks,	Gregory,	E Perry,	
Brown,	Haze,	Porter,	
Buckley,	House,	Potter,	
Caukin,	Ives,	Sessions,	
Clark,	Jerome,	Shaw,	
Cook,	Kellogg,	Simonson,	
Crosby,	Kipp,	Wade,	
W. Davis,	Linderman,	Whitney,	
Erskine,	McMahon,	Yerkes,	42

NAYS.

Mr. Allen,	Mr. Harvey,	Mr. Munger,	
Berry,	High,	Nevins,	
Blodgett,	How,	G. D. Perry,	
Brownell,	Hurd,	Schemerhorn,	
Calhoun,	Judd,	Sherman,	
Combes,	Kanter,	Smith,	
J. M. Davis,	Leland,	Stoddard,	
Dunbar,	Ludlow,	Sutton,	
Goodman,	Miller,	Wendell,	
Gulley,	Mulholland,	Speaker,	30

The title was agreed to.

Mr. Sherman gave notice that to-morrow or some subsequent day of the session, he would enter, with others, his protest upon the journal, against the passage of the bill.

Mr. McMahon moved that the bill be re-printed under the supervision of the Clerk before sending it to the Senate.

Adopted.

Mr. Mussey moved that Senate bill No. 5, being

A bill to amend an act entitled "an act to repeal chapter twenty-five of the revised statutes of 1846;" also act 88, entitled "an act to amend chapter 25 of the revised statutes of 1846, relative to laying out, altering and discontinuing highways," approved March 18, 848; also act No. 72, entitled "an act to amend chapter 25 of the revised statutes of 1846, approved March 15, 1848, and to provide for altering, laying out and discontinuing highways," approved February 17, 1857,

Be taken from the general order and placed on its final passage.

Which motion was not adopted.

Mr. R. Goodrich moved to refer the bill to the committee on roads and bridges.

Mr. Davis moved to amend by striking out "committee on roads and bridges" and insert "judiciary committee."

Adopted.

The motion, as amended, was then adopted.

Mr. R. Goodrich moved to reconsider the vote whereby the joint resolution relative to the Pacific Railroad was passed.

Adopted.

Mr. R. Goodrich offered the following amendment:

Resolved, That the Governor of this State be requested to transmit, as soon as it can be done, to each of the Senators and Representatives in Congress, from this State, a copy of the foregoing preamble and resolution.

Which was adopted.

The question recurring on the passage of the joint resolution, entitled

Joint resolution relative to the Pacific Railroad;

A majority of all the members elect voting therefor, it passed, by yeas and nays, as follows:

YEAS.

Mr. Allen,	Mr. C. B. Goodrich,	Mr. Muscott,
Allman,	R. Goodrich,	Mussey,
Ashmun,	Goodwin,	Nevins,
Bacon,	Gulley,	Parkill,
Bartlett,	Harvey,	E. Perry,
Beecher,	Haze,	G. D. Perry,
Berry,	House,	Potter,
Blodgett,	Hurd,	Schemerhorn,
Brown,	Judd,	Sessions,
Buckley,	Kanter,	Shaw,
Caukin,	Kipp,	Simonson,
Clark,	Leland,	Smith,
Combes,	Ludlow,	Stoddard,
Crosby,	McMahon,	Sutton,
W. Davis,	Merrill,	Wade,
Dunbar,	Miller,	Wendell,
Erskine,	Monroe,	Wetherbee,
Fargo,	Mulholland,	Yerkes,
Germain,		Speaker, 57

ing the provision in the original draft of the bill, relative to the five per cent. to be paid to the primary school fund."

The Speaker decided that inasmuch as the provision was stricken out by a vote of the House in the same state of the bill, the amendment as presented was out of order.

Mr. Blodgett moved to reconsider the vote to strike out.

Decided out of order while the question of instruction was pending.

Mr. R. Goodrich moved a call of the House,

Pending which,

Mr. Sherman asked, and obtained leave of absence for Mr. Chase.

Mr. Mussey asked and obtained leave of absence for Mr. Porter.

Call of the House was not ordered.

Mr. Sherman moved to amend as follows :

By recommitting the bill with instructions to so alter its provisions as to give the interest of the entire fund to the primary school fund.

Mr. Kellogg moved the previous question, on the amendment, which was ordered.

The amendment was lost, and the question recurring on the originaal motion, it was not adopted

On motion of Mr. Kellogg,

The House adjourned until 2 o'clock this afternoon.

AFTERNOON SESSION.

2 o'clock P. M.

House met, and was called to order by the Speaker.

Roll called; quorum present.

The Speaker announced the following message from the Senate:

SENATE CHAMBER,
Lansing, January 28th, 1858.

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to transmit to the House, Senate bill No. 7, being

A bill authorizing a loan to pay those parts of the State indebtedness falling due before and on the first day of January, A. D. 1859,

Which the Senate have passed by a majority of all the members elect, and ordered to take immediate effect by a vote of two-thirds of

all said Senators, in which the concurrence of the House is respectfully asked.

Very respectfully,

Your obedient servant,

ISAAC W. WILDER,

Secretary of the Senate.

The bill was read twice and referred to the committee of ways and means.

The House resumed the order of

UNFINISHED BUSINESS.

In the consideration of

A bill to provide for the sale of the swamp lands and the reclamation thereof, and to secure the pre-emption claims of settlers thereon.

Mr. Beecher moved that the bill be read by the Clerk.

Adopted.

Mr. Mussey moved that the amendments made by the committee be adopted.

Which motion prevailed.

Mr. Porter moved to strike out in section 11 all after the word "commissioner," in 3d line.

Lost.

The question being upon ordering the bill to a third reading,

Mr. McMahon moved the previous question, which was ordered,

And the bill was placed on the order for third reading.

On motion of Mr. Judd,

The rule was suspended and the bill placed on its final passage.

Mr. Sessions moved to recommit the bill to the special committee, with instructions to strike out in line 5, section 9, the words $1, and insert $1,25.

The House having once refused to insert "one dollar and twenty-five cents," the amendment was declared out of order.

Mr. Blodgett called the previous question.

The call was sustained by the House.

The question being on the final passage of the bill,

A bill to provide for the sale of the swamp lands and the reclamation thereof, and to secure the pre-emption claims of settlers thereon,

Which was passed by yeas and nays, a majority of all the members elect voting therefor, as follows:

YEAS.

Mr.	Allman,	Mr.	Fargo,	Mr.	Merrill,
	Ashmun,		Germain,		Monroe,
	Bacon,		C. B. Goodrich,		Muscott,
	Bartlett,		R. Goodrich,		Mussey,
	Beecher,		Goodwin.		Parkill,
	Brooks,		Gregory,		E Perry,
	Brown,		Haze,		Porter,
	Buckley,		House,		Potter,
	Caukin,		Ives,		Sessions,
	Clark,		Jerome,		Shaw,
	Cook,		Kellogg,		Simonson,
	Crosby,		Kipp,		Wade,
	W. Davis,		Linderman,		Whitney,
	Erskine,		McMahon,		Yerkes, 42

NAYS.

Mr.	Allen,	Mr.	Harvey,	Mr.	Munger,
	Berry,		High,		Nevins,
	Blodgett,		How,		G. D. Perry,
	Brownell,		Hurd,		Schemerhorn,
	Calhoun,		Judd,		Sherman,
	Combes,		Kanter,		Smith,
	J. M. Davis,		Leland,		Stoddard,
	Dunbar,		Ludlow,		Sutton,
	Goodman,		Miller,		Wendell,
	Gulley,		Mulholland,		Speaker, 30

The title was agreed to.

Mr. Sherman gave notice that to-morrow or some subsequent day of the session, he would enter, with others, his protest upon the journal, against the passage of the bill.

Mr. McMahon moved that the bill be re-printed under the supervision of the Clerk before sending it to the Senate.

Adopted.

Mr. Mussey moved that Senate bill No. 5, being

A bill to amend an act entitled "an act to repeal chapter twenty-five of the revised statutes of 1846;" also act 88, entitled "an act to amend chapter 25 of the revised statutes of 1846, relative to laying out, altering and discontinuing highways," approved March 18, 848; also act No. 72, entitled "an act to amend chapter 25 of the revised statutes of 1846, approved March 15, 1848, and to provide for altering, laying out and discontinuing highways," approved February 17, 1857,

Be taken from the general order and placed on its final passage.

Which motion was not adopted.

Mr. R. Goodrich moved to refer the bill to the committee on roads and bridges.

Mr. Davis moved to amend by striking out "committee on roads and bridges" and insert "judiciary committee."

Adopted.

The motion, as amended, was then adopted.

Mr. R. Goodrich moved to reconsider the vote whereby the joint resolution relative to the Pacific Railroad was passed.

Adopted.

Mr. R. Goodrich offered the following amendment:

Resolved, That the Governor of this State be requested to transmit, as soon as it can be done, to each of the Senators and Representatives in Congress, from this State, a copy of the foregoing preamble and resolution.

Which was adopted.

The question recurring on the passage of the joint resolution, entitled

Joint resolution relative to the Pacific Railroad;

A majority of all the members elect voting therefor, it passed, by yeas and nays, as follows:

YEAS.

Mr.	Allen,	Mr.	C. B. Goodrich,	Mr.	Muscott,
	Allman,		R. Goodrich,		Mussey,
	Ashmun,		Goodwin,		Nevins,
	Bacon,		Gulley,		Parkill,
	Bartlett,		Harvey,		E. Perry,
	Beecher,		Haze,		G. D. Perry,
	Berry,		House,		Potter,
	Blodgett,		Hurd,		Schemerhorn,
	Brown,		Judd,		Sessions,
	Buckley,		Kanter,		Shaw,
	Caukin,		Kipp,		Simonson,
	Clark,		Leland,		Smith,
	Combes,		Ludlow,		Stoddard,
	Crosby,		McMahon,		Sutton,
	W. Davis,		Merrill,		Wade,
	Dunbar,		Miller,		Wendell,
	Erskine,		Monroe,		Wetherbee,
	Fargo,		Mulholland,		Yerkes,
	Germain,		Munger,		Speaker, 57

NAYS.

Mr. J. M. Davis, Mr. How, 2

Title agreed to.

On motion of Mr. Sutton.

The House adjourned till 9 o'clock to-morrow morning.

Lansing, Friday, January 29, 1858.

House met pursuant to adjournment, and was called to order by the Speaker.

Prayer by Rev. Mr. Brockway.

Roll called; quorum present.

Absent, Messrs, Blodgett, Chase, Clark, Hannah, High, Judd, Kanter, McKnight, McKinley, Miller, Nevins, O'Flynn, Shaw, Sherman, Smith, Stoddard, Wendell, White.

REPORTS OF STANDING COMMITTEES.

Mr. Judd, chairman of the committee on Federal Relations, reported as follows:

Your committee on Federal Relations, to whom

Joint resolution relating to the protection and security of the St. Mary's Falls Ship Canal

Was re-committed with instructions, have had the same under consideration and herewith report the same back to the House and recommend the following as a substitute for the preamble:

Whereas, It appears by the Report of the Superintendent of the St. Mary's Falls Ship Canal, that during the past season, owing to the unavoidable action of frost upon the embankments, leaks have occurred in various portions of the same, and in two instances, breaks of a serious and alarming character.

And whereas, It appears that some further expense is necessary in securing the said embankments and in the erection of an additional set of gates to facilitate the navigation of said Canal, therefore,

Report accepted, and committee discharged.

The preamble was then adopted,

And the joint resolution placed on the order for third reading.

Mr. Gregory, the chairman of the committee on ways and means, reported :

The majority of the committee of ways and means, to whom was referred Senate bill, No. 7, being a bill authorizing a loan to pay those parts of the State indebtedness, falling due before and on the first day of January, A. D. 1859, report the same back to the House without amendment, and recommend its passage.

Report accepted and the bill placed on the order for third reading.

The Speaker announced the following

MESSAGE FROM THE SENATE:

SENATE CHAMBER,
Lansing, January 28th, 1858.

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to return to the House of Representatives,

" A bill to provide for the payment of the members and officers of the Extra Session of the Legislature for the year eighteen hundred and fifty-eight,"

And respectfully inform the House that the Senate do not concur in the amendment made by the House to said bill.

Very Respectfully,
Your ob't servant,
I. W. WILDER,
Secretary of the Senate.

Mr. Gregory moved that the House insist upon its amendment.

Adopted.

Mr. Gregory moved that a committee of two be appointed to confer with a like committee of the Senate, upon the disagreement of the two Houses on Senate bill, No 2.

Adopted.

The Speaker appointed Messrs. Gregory and R. Goodrich, said committee.

MOTIONS, RESOLUTIONS AND NOTICES.

Mr. Brown offered the following :

Resolved, By the House, (the Senate concurring,) That this Legislature will adjourn, *sine die*, on Monday next, February 1st, noon.

Laid upon the table.

Mr. Goodman offered the following:

Resolved, That the Secretary of State be requested to furnish each member of this House (who are not already supplied) with a copy of the Compiled Laws.

On motion of Mr. Kellogg,

The resolution was laid on the table.

Mr. Allman moved that the concurrent resolution offered by him a few days since, relative to adjournment, be taken from the table.

Lost.

Mr. Parkill gave notice that he would on some future day ask leave to introduce

A bill to amend an act entitled "an act to provide for laying out, establing and improving a State road in Clinton, Gratiot, Saginaw, and Genesee counties, approved February 17, 1857."

Mr. Ives, chairman of the committee on Enrollment and Engrossment, reported as follows:

The committee on Engrossment and Enrollment, report as correctly enrolled, signed and presented to the Governor, the following named bills:

A bill to amend the revised statutes of 1846, and other statutes, so as to adapt them to the organization of the present Supreme Court, and define more accurately the duties of the Judges of the Circuit Courts, and of Circuit Court Commissioners.

A bill to provide rooms for holding the sessions of the Supreme Court, and the collection and preservation of the records of the Supreme Court of the Territory of Michigan.

A bill to amend section 62, of chapter 17, of the Compiled Laws of 1857, entitled "of the assessment and collection of taxes."

Report accepted.

By unanimous consent, Mr. Kanter, from the minority of the committee on ways and means, submitted the following minority report:

The undersigned, one of the committee on ways and means, to whom was referred Senate bill No. 7, being a bill authorizing a loan, to pay those parts of the State indebtedness, falling due before and on the first day of January, 1859,

Respectfully submits his objections for not joining the majority in its report:

The first objection to this bill, in the opinion of the undersigned, is, that it is obnoxious to the constitution of the State. If this measure is unconstitutional, it would be of no *validity*, and no member of this legislature ought or can vote for it. The undersigned observes, by section 3, art. 14, of the constitution, that—

"The State may contract debts to meet deficits in revenues. Such debt shall not, in the aggregate, at any one time, exceed fifty thousand dollars. The moneys so raised shall be applied to the purposes for which they were obtained, or to the payment of the debt so contracted."

This clause was doubtless placed in the constitution, to relieve the State upon extraordinary occasion from embarrassment, and to admonish every administration that this was the extent of the latitude which they would be allowed, however lavish and extravagant their disposition might be. The undersigned observes, further, in Sec. 7 of the same article where it provides, that—

"No scrip, certificate, or other evidence of State indebtedness, shall be issued, except for the redemption of stock previously issued, or for such debts as are expressly authorized in this constitution."

The undersigned understands that the design of this section was to provide for the redemption of the outstanding, unfunded portion of the five million loan, and simply provides, that when those bonds should be presented for the purpose of being funded, under the law of 1848, *other bonds*, in conformity with this constitution, could be issued therefor. This was the design, the purpose and the only purpose of this clause of the constitution. It was to enable the funding and redemption of the old five million loan, upon the basis of the law of 1848, and for no other purpose whatsoever. It was to issue bonds directly for the redemption of the old bonds. This provision was carefully drawn up to meet this express case, and does not authorize the issue of bonds to be sold in the market, except for the redemption of stock, or for a loan of any purpose, over and above $50,000. It expressly says, that they shall be issued for the *redemption of stock previously issued.* They, therefore, cannot be issued for a *loan.* Although this bill says that the proceeds of this *loan* shall be used to pay those bonds falling due in July and January, yet the *use* of *these* words does not thus apply the *proceeds.* It provides for a *loan*, and when the loan *is* made, the money may, or may not be applied to the purpose contemplated. The

same words might be introduced into *any* loan bill, to get around or over the constitution, where there is no design of using the money before the redemption of the public debt. The only relief which can be tortured from the words of this section, in the opinion of the undersigned, is, that in the case the bond holders would be *willing* to receive new bonds for those falling due in July and January next, this legislature *might authorize* the issuing of bonds to meet this emergency. If otherwise, the State must be obliged, in order to pay its bonds, to provide in some manner to meet this accruing indebtedness. The administration was aware of those constitutional objections to this manner of issuing bonds, and as the undersigned believes that this bill is an administration measure, framed before the assembling of this legislature, he cannot refrain from censuring the guilty parties, for trying to snare and entrap members of this House into an unconstitutional measure.

The second objection of the undersigned is, that as the transgressions of the last three year's administration have deprived us from a surplus sufficient to meet our indebtedness falling due this year; that, as there is no excuse for an administration to neglect the welfare of the State so much as not to make provision from its abundant means of 1855, which were half a million, to free the people from a burdensome debt, the undersigned prefers not to lend his aid to such an unconstitutional loan, but recommends the curtailment of expenses, and the postponement of some of the larger appropriations, to meet our liabilities.

All of which is respectfully submitted.

THIRD READING OF BILLS.

Senate bill No. 7, being,

A bill authorizing a loan to pay those parts of the State indebtedness falling due before and on the first day of January, A. D. 1859,

Being under consideration,

On motion of Mr. Aahmun,

It was referred to the committee of the whole and placed on the general order.

Senate joint resolution relative to the protection and permanent security of the St. Mary's Falls Ship Canal,

Being under consideration, Mr. Mussey moved that the same be laid upon the table.

Lost.

The joint resolution was then read a third time and a majority of all the members elect voting therefor, it passed, by yeas and nays as follows:

YEAS.

Mr. Allen,	Mr. Goodman,	Mr. Miller,
Allman,	C. B. Goodrich,	Monroe,
Ashmun,	R. Goodrich,	Mulholland,
Bacon,	Goodwin,	Munger,
Bartlett,	Gregory,	Muscott,
Beecher,	Gulley,	Mussey,
Berry,	Harvey,	Nevins,
Brooks,	Haze,	Parkill,
Brown,	High,	E. Perry,
Buckley,	House,	G. D. Perry.
Calhoun,	How,	Potter,
Caukin,	Hurd,	Schemerhorn,
Clark,	Ives,	Sessions,
Cook,	Jerome,	Simonson,
Combes,	Judd,	Smith,
Crosby,	Kanter,	Stoddard,
J. M. Davis,	Kellogg,	Sutton,
W. Davis,	Kipp,	Wade,
Dunbar,	Leland,	Wendell,
Enos,	Linderman,	Wetherbee,
Erskine,	Ludlow,	Whitney,
Fargo,	McMahon,	Yerkes,
Germain,	Merrill,	Speaker, 69

NAYS. 0

The preamble was adopted, and title agreed to.

GENERAL ORDER.

House took up the general order, Senate bill No. 7, being

A bill authorizing a loan to pay those parts of the State indebtedness falling due before and on the 1st day of January, A. D. 1859,

On motion of Mr. Nevins,

The House resolved itself into committee of the Whole, for the consideration of the same,

Mr. Whitney in the chair.

And after some time spent thereon, the committee rose, and through their chairman, reported the bill back to the House without amendment and recommend its passage and asked to be discharged from the further consideration of the same.

Report accepted.

Mr. Ashmun moved to strike out the word "six," in section 1, line 6, and insert "five."

Mr. McMahon called for a division of the question.

The question being on striking out the word "six," the same was lost.

The bill was then placed on the order for third reading.

On motion of Mr. Schemerhorn,

The rule was suspended and the bill placed on its final passage.

Whereupon, Senate bill No. 7, being

A bill authorizing a loan to pay those parts of the State indebtedness falling due before and on the 1st day of January, A. D. 1859,

Was read a third time, and a majority of all the members elect voting therefor, it passed, by yeas and nays, as follows:

YEAS.

Mr. Allen,	Mr. Fargo,	Mr Monroe,
Allman,	Germain,	Muscott,
Ashmun,	Goodman,	Mussey,
Bacon,	R. Goodrich,	Nevins,
Bartlett,	Goodwin,	Parkill,
Beecher,	Gregory,	E. Perry,
Berry,	Gulley,	G. D. Perry,
Blodgett,	Harvey,	Potter,
Brooks,	Haze,	Schermerhorn,
Brown,	House,	Sessions,
Buckley,	Hurd,	Shaw,
Calhoun,	Ives,	Simonson,
Caukin,	Jerome,	Smith,
Clark,	Judd,	Stoddard,
Cook,	Kellogg,	Sutton,
Combes,	Kipp,	Wade,
Crosby,	Leland,	Wetherbee,
W. Davis,	Linderman,	Yerkes,
Enos,	McMahon,	Speaker,
Erskine,	Merrill,	59

NAYS.

Mr. Brownell,	Mr. How,	Mr. Mulholland,
J. M. Davis,	Kanter,	Munger,
Dunbar,	Ludlow,	Wendell,
High,	Miller,	11

Mr. Gregory moved to amend the title by adding thereto: "and providing for a temporary loan if necessary."

Mr. Beecher moved to amend the amendment by striking out the words "if necessary."

Withdrawn.

The amendment to the title was then adopted.

Mr. Simonson moved to amend by inserting after the figures "1859," the words "which was contracted in the year 1838 by the democrats."

Which, after discussion, was withdrawn.

Mr. Schemerhorn offered the following amendment to the title by adding:

"That if possible the money be borrowed of President Buchanan's twenty million bank."

Withdrawn.

Mr. Kanter moved to amend the title by inserting before the word "loan" the word "unconstitutional."

Mr. McMahon moved to amend the amendment by adding:

"Said Constitution and said debt being both legitimate children and heirs of the democratic party."

Carried.

The question recurring on the original amendment, it was not adopted.

The title, as amended, was then agreed to, and the bill, by a vote of two-thirds of all the members elect, was ordered to take immedate effect.

Mr. Caukin gave notice that he will to-morrow move a reconsideration of the vote by which Senate bill No. 7, being

A bill authorizing a loan to pay those parts of the indebtedness falling due before and on the first day of January, 1859, and and providing for a temporary loan if necessary,

Was passed.

The Speaker, by consent, announced the following

MESSAGE FROM THE SENATE:

SENATE CHAMBER,
Lansing, January , 1858.

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to return to the House,

Joint resolution relative to the Northern Pacific,

Which the Senate have amended as follows: In the resolution the words, "and also for the passage of a law granting public lands in

the State of Michigan to aid in the construction of a railroad, (to aid in) forming a connection between said Northern Pacific Railroad and the eastern States, on the line of the Grand Trunk and Great Western Railways, to commence at Port Huron in the State of Michigan, and terminate at some point on the Montreal River, on the western boundary of the Upper Peninsula of the State of Michigan."

Also; add the following:

Resolved, That the Governor of this State be requested to transmit as soon as the same can be done, to each of the Senators and Representatives in Congress from this State, a copy of the foregoing preamble and resolutions.

In the passage of which as amended, the Senate have concurred, and in which amendments they respectfully ask the concurrence of the House.

Very respectfully,

Your ob't servant,

ISAAC W. WILDER.

Secretary of the Senate.

The amendments were then concurred in, a majority of all the members elect voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Allen,	Mr. C. B. Goodrich,	Mr. Mulholland,
Allman,	R. Goodrich,	Muscott,
Ashmun,	Goodwin,	Mussey,
Bacon,	Gregory,	Nevins,
Bartlett,	Gulley,	Parkill,
Beecher,	Harvey,	G. D. Perry,
Berry,	Haze,	E. Perry,
Blodgett,	High,	Porter,
Brooks,	House,	Potter,
Brown,	Hurd,	Schemerhorn,
Buckley,	Ives,	Sessions,
Calhoun,	Jerome,	Shaw,
Caukin,	Judd,	Simonson,
Clark,	Kanter,	Smith,
Cook,	Kellogg,	Stoddard,
Combes,	Kipp,	Sutton,
Crosby,	Leland,	Wade,
W. Davis,	Linderman,	Wendell,
Enos,	Ludlow,	Wetherbee,
Erskine,	McMahon,	Whitney,
Fargo,	Merrill,	Yerkes,

Germain,	Miller,	Speaker,	
Goodman,	Monroe,		68

NAYS.

Mr. Brownell,	Mr. Dunbar,	Mr. Munger,	
J. M. Davis,	How,	Sherman,	6

The joint resolution was then referred to the committee on enrollment and engrossment.

The Speaker announced, by unanimous consent, the following

MESSAGE FROM THE GOVERNOR.

EXECUTIVE OFFICE,
Lansing, January 29, 1859.

To the Legislature:

I transmit herewith a communication from the Auditor General, asking amendments to the law for the collection of taxes upon non-resident lands.

I also transmit to the Senate, a memorial from the corporation of the village of Ypsilanti, asking an amendment to their charter.

I also transmit to the House of Representatives, a memorial from the citizens of the village of St. Clair, asking a city charter.

I also transmit to the House a petition asking for the organization of a new county from Emmet and Cheboygan.

I have also received an earnest petition from the inhabitants of the Holland Colony, in Ottawa county, complaining of the injustice of the general government in not improving their Harbor, and asking the privilege of levying a tax by a vote of the people, on their township for that purpose.

These matters are principally local, and I do not ask your attention to them if in your opinion the length of the session will be protracted thereby; but I invite your action upon them if it will not delay other public business.

KINSLEY S. BINGHAM.

Mr. Shaw moved that the Governor's message be referred to the appropriate committees.

Adopted.

All that part relating to the villages of Ypsilanti and St. Clair, was referred to the committee on Banks and Incorporations.

That part relating to the organization of a new county, was referred to the committee on Towns and Counties.

That part relating to the Holland Colony and the tax laws, was referred to the committee on State Affairs.

Mr. Shaw, by unanimous consent, introduced

A bill to authorize the township of Holland and other townships in the counties of Ottawa and Allegan, to loan money and to levy a tax for the improvement of Black Lake Harbor.

Which was read twice, and referred to the committee on State Affairs.

Mr. Shaw, by unanimous consent, introduced

A bill in regard to suits in Hampton township.

Read twice, and referred to Judiciary committee.

Mr. Shaw, by unanimous consent, introduced

A bill to amend an act entitled "an act to provide for assessing property at its true value, and for levying and collecting taxes thereon," approved Feb. 14, 1853, and an act amendatory thereto, approved Feb. 12, 1855.

Read twice, and referred to the committee on State Affairs.

Mr. Clark, by unanimous consent, introduced

A bill to incorporate the city of St. Clair.

Read twice, and referred to the committee on Banks and Incorporations.

By unanimous consent, Mr. McMahon, from the special committee on swamp lands, made the following report:

Your committee to whom was referred sundry petitions relative to the disposition of swamp lands,

Respectfully report that they have had the same under consideration, and beg leave to report the same back to the House without any recommendation, the subject matter having been acted upon by your committee and this House by the passage of House bill No. 3.

Report accepted and committee discharged.

By unanimous consent, Mr. McMahon presented the petition of M. Kenney and others, praying for a general or special act of incorporation for protection against fires.

Referred to committee on State Affairs.

Mr. Stoddard moved to re-consider the vote by which

A bill authorizing a loan to pay those parts of the State indebtedness falling due before and on the first day of January, A. D. 1859, and providing for a temporary loan if necessary,

Was passed.

Mr. Ashmun moved to lay the same on the table.

Which was lost.

The question recurring on the motion to reconsider, it was lost.

Mr. Sherman gave notice that on some future day h would claim the right guaranteed by the Constitution to members of the House, to enter, with others, his protest on the journals of the House against the passage of the bill.

On motion of Mr. Goodman,

The House adjourned till 2 o'clock this afternoon.

AFTERNOON SESSION.

2 o'clock P. M.

House met pursuant to adjournment, and was called to order by the Speaker.

Roll called; quorum present.

PETITIONS PRESENTED.

By Mr. Ashmun: memorial of Denton Offut, respecting the culture of domestic animals.

The memorial was read by the Clerk.

Mr. W. Davis moved that so much of the memorial as relates to the brute creation, be referred to the committee on Agriculture, and the balance to the committee on Finance.

Mr. McMahon moved to amend, that the petition be referred to the committee on the Judiciary, with instructions to report a bill providing for imparting such knowledge to the clerk of the we(s)ther.

On motion of Mr. Kellogg,

The whole subject was laid on the table.

REPORTS OF STANDING COMMITTEES.

Mr. Berry, chairman of the committee on banks and incorporations, reported as follows:

The committee on banks and incorporations, to whom was referred

A bill to incorporate the city of St. Clair,

Have had the same under consideration, and have instructed their chairman to report the same back to the House, and recommend its

passage, and ask to be discharged from the further consideration of the subject.

Report accepted, and committee discharged.

Mr. Miller moved that the bill be laid on the table and ordered printed.

Mr. McMahon called for a division of the question.

The question being upon tabling, it was lost.

The motion to print was also lost.

The bill was then placed on the general order.

Mr. Kellogg, chairman of the committee on State Affairs, submitted the following report:

The committee on State Affairs, to whom was referred

A bill to authorize the township of Holland and other townships, in the counties of Ottawa and Allegan, to loan money and levy taxes for the improvement of Black Lake harbor.

Respectfully report that they have had the same under consideration and recommend that it be amended by inserting in the 3d line of section 5, the words "and all necessary expenses," and so amended recommend its passage, and ask to be discharged from further consideration of the same.

Report accepted, and committee discharged.

The amendment was concurred in.

Mr. Kellogg moved that the rule be suspended requiring the second and third readings on different days, and the bill be placed on its final passage.

Adopted.

Mr. Porter moved a call of the House, which was not ordered.

The bill being,

A bill to authorize the township of Holland and other townships in the counties of Ottawa and Allegan to loan money and levy tax for the improvement of Black Lake Harbor,

Was then read a third time, and a majority of all the members elect voting therefor, it passed, by yeas and nays, as follows:

YEAS.

Mr. Allen,	Mr. Goodwin,	Mr. Muscott,
Allman,	Gregory,	Mussey,
Ashmun,	Gulley,	Nevins,
Bacon,	Harvey,	Parkill,
Bartlett,	Haze,	E. Perry,
Berry,	High,	G. D. Perry,

Brown,	House,	Porter,
Buckley,	How,	Potter,
Calhoun,	Ives,	Schemerhorn,
Caukin,	Jerome,	Sessions,
Clark,	Judd,	Shaw,
Cook,	Kanter,	Sherman,
Combes,	Kellogg,	Simonson,
J. M. Davis,	Kipp,	Smith,
W. Davis,	Leland,	Stoddard,
Dunbar,	Linderman,	Sutton,
Enos,	McMahon,	Wade,
Fargo,	Merrill,	Wendell,
Germain,	Miller,	Wetherbee,
Goodman,	Monroe,	Whitney,
C. B. Goodrich,	Mulholland,	Yerkes,
R. Goodrich,	Munger,	Speaker, 66

NAYS. 0

Title agreed to.

On motion of Mr. Kellogg,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

Mr. Kellogg, from the committee on State Affairs, submitted the following report:

The committee on State Affairs, to whom was referred

A bill to amend certain acts relative to the assessment of property and for levying and collecting taxes thereon,

Respectfully report that they have had the same under consideration, and recommend its passage, and ask to be discharged from further consideration of the same.

Report accepted, and committee discharged.

Mr. Kellogg moved that the rule be suspended requiring the second and third reading on different days, and the bill placed on its final passage.

Lost.

On motion of Mr. Kellogg,

The bill was made the special order for three o'clock this afternoon.

On motion of Mr. Nevins,

Leave of absence was granted to Mr. Ludlow for the afternoon.

Mr. Sherman moved that leave of absence be granted to Mr. Chase for the rest of the day.

Mr. Shaw moved to amend as follows:

Strike out "during the day," and insert "until he shall ascertain the precise situation and location of the State hand-sled."

Mr. Sherman offered the followinng amendment to the amendment:

That a committee be appointed to inquire into the necessity of said sled, the cost of the same, and from what fund it was paid for.

Lost.

On motion of Mr. Gregory,

The whole subject was laid on the table.

McMahon moved that the special committee on State Affairs be requested to report as soon as possible.

Adopted.

Mr. Shaw, from the Judiciary committee, reported as follows:

The Judiciary committee, to whom was referred

A bill in regard to suits in Hampton township,

Report that they have had the same under consideration and report herewith a substitute therefor, and respectfully ask the concurrence of the House therein.

Report accepted and committee discharged.

The substitute was adopted.

Mr. R. Goodrich moved that the rule be suspended and the bill be placed on its final passage.

Adopted.

The bill, being

A bill in regard to suits in Hampton township,

Was read a third time, and a majority of all the members elect voting therefor, it passed, by yeas and nays, as follows:

YEAS.

Mr. Allen,	Mr. Fargo,	Mr. Merrill,
Allman,	Germain,	Monroe,
Ashmun,	Goodman	Muscott,
Bacon,	C. B. Goodrich,	Parkill,
Bartlett,	R. Goodrich,	E. Perry,
Berry,	Goodwin,	G. D. Perry,
Blodgett,	Gregory,	Potter,
Brown,	Harvey,	Sessions,
Buckley,	House,	Shaw,
Calhoun,	Jerome,	Smith,
Caukin,	Kipp,	Wade,
Clark,	Leland,	Wetherbee,
Cook,	Linderman,	Whitney,

Combes,	McMahon,	Speaker.	
W. Davis,			43

NAYS.

Mr. J. M. Davis,	Mr. Kanter,	Mr. Schemerhorn,	
Dunbar,	Miller,	Sherman,	
Erskine,	Mulholland,	Simonson,	
Haze,	Munger,	Sutton,	
How,	Nevins,	Wendell,	
Ives,	Porter,	Yerkes,	18

Title agreed to.

Mr. Shaw moved that the bill take immediate effect.

Lost.

Mr. Shaw moved that the bill take effect one day after its approval by the Governor.

Mr. R. Goodrich moved to amend by striking out "one" and inserting "thirty."

Adopted.

The motion as amended was lost.

Mr. Shaw moved a call of the House, which was ordered.

The Clerk called the roll.

Absent without leave, Messrs. Brownell, Chase, Crosby, Hurd, McKnight, McKinley, O'Flynn, Wetherbee, and White.

Mr. Sherman moved that the Sergeant-at-Arms be dispatched after Messrs. McKnight, McKinley, and O'Flynn,

Mr. McMahon moved to lay the motion on the table.

Lost.

Mr. Ashmun moved that further proceedings under the call be dispensed with.

Adopted.

The original motion was then lost.

Mr. Ives moved that the vote whereby a motion that the bill in regard to suits in Hampton township, was not ordered to take effect within 30 days, be reconsidered.

Adopted.

The question recurring on the motion that the bill take effect within 30 days,

Mr. Shaw called for the yeas and nays.

Which call was sustained, and by a vote of two-thirds of all the members elect, the bill in regard to suits in Hampton township, was ordered

to take effect within 30 days after its passage, by yeas and nays as follows:

YEAS.

Mr.	Allen,	Mr.	Goodman,	Mr.	Mussey,
	Allman,		C. B. Goodrich,		Nevins,
	Ashmun,		Goodwin,		Parkill,
	Bacon,		Gregory,		E. Perry,
	Bartlett,		Harvey,		G. D. Perry,
	Beecher,		House,		Porter,
	Berry,		Ives,		Potter,
	Blodgett,		Jerome,		Schermerhorn,
	Brooks,		Judd,		Sessions,
	Brown,		Kellogg,		Shaw,
	Buckley,		Kipp,		Sherman,
	Calhoun,		Leland,		Smith,
	Caukin,		Linderman,		Stoddard,
	Clark,		McMahon,		Wade,
	Cook,		Merrill,		Wendell,
	Combes,		Miller,		Wetherbee,
	W. Davis,		Monroe,		Whitney,
	Enos,		Mulholland,		Yerkes,
	Erskine,		Munger,		Speaker,
	Germain,		Muscott,		59

NAYS.

Mr.	J. M. Davis,	Mr.	Gulley,	Mr.	Kanter,
	Dunbar,		Haze,		Simonson,
	Fargo,		How,		8

The Speaker announced the following

MESSAGES FROM THE GOVERNOR.

EXECUTIVE OFFICE,
Lansing, January 29, 1858.

To the House of Representatives:

I have approved and filed in the office of Secretary of State the following entitled acts:

An act to amend section 62 of chapter seventeen of the Compiled Laws of 1857, entitled "of the assessment and collection of taxes."

An act to provide rooms for holding the sessions of the Supreme Court, and the collection and preservation of the records of the Supreme Court of the Territory of Michigan.

An act to amend the revised statutes of 1846, and other statutes, so as to adapt them to the organization of the present Supreme Court,

and define more accurately the duties of the Judges of the Circuit Courts, and of the Circuit Court Commissioners,

KINSLEY S. BINGHAM.

EXECUTIVE OFFICE,
Lansing, January 29, 1858.

To the Legislature:

The Auditor General has suggested an amendment to your joint resolution of the 14th February last, to enable him to settle equitably with the county of Washtenaw, which I herewith transmit, and recommend your concurrence.

I also transmit to the House of Representatives a communication from Hon D. Goodwin, District Judge of the Upper Peninsula, in reference to certain village lots, which, in his judgment, requires legislation.

KINSLEY S. BINGHAM.

By unanimous consent, Mr. McMahon introduced

Joint Resolution relative to the indebtedness of the county of Washtenaw to the State,

Which was read twice and referred to the committee on State Affairs.

By unanimous consent, Mr. Sherman introduced a bill to authorize the District Judge of the Upper Peninsula to convey lands held in trust in the village of Ontonagon, in the county of Ontonagon,

Which was read twice and referred to the committee on State Affairs.

The Speaker announced the following

MESSAGE FROM THE SENATE:

SENATE CHAMBER,
Lansing, January 29, 1858.

To the Hon. the Speaker of the House of Representatives:

SIR—I am instructed to transmit to the House

A bill to incorporate the City of Ypsilanti.

Which the Senate have passed by a majority vote of all the Senators elect, and ordered to take immediate effect by a vote of two-thirds of all said Senators, in all of which the concurrence of the House is respectfully asked.

Very respectfully,
Your obedient servant,
ISAAC W. WILDER,
Secretary of the Senate.

The bill was read twice, and

On motion of Mr. Blodgett,

Was referred to a special committee of three.

The Chair appointed Messrs. McMahon, Berry and Allman.

The hour of three having arrived, the House took up the

SPECIAL ORDER.

The same being

A bill to amend an act entitled "an act to provide for assessing property at its true value, and for levying and collecting taxes thereon," approved February 14th, 1853, and an act amendatory thereto, approved February 12th, 1855,

On motion of Mr. Potter,

The House resolved itself into committee of the whole for the consideration of the same,

Mr. Porter in the chair.

And after some time spent thereon the committee rose, and through their chairman reported they had had the same under consideration, report progress thereon, and ask leave to sit again.

Report accepted and leave granted.

Mr. McMahon moved that when the House adjourn, it adjourn to meet this evening at 7 o'clock.

Adopted.

Mr. Clark moved that a bill incorporating the city of St. Clair be made the special order for this evening at 7 o'clock.

Lost.

Mr. Allen moved that the Senate bill No. 5, being

A bill to amend an act entitled "an act to provide for assessing property at its true value, and for levying and collecting taxes thereon," approved February 14, 1853, and an act amendatory thereto, approved February 12, 1855,

Be made the special order for this evening at 7 o'clock.

Adopted.

On motion of Mr. Ashmun

The House adjourned.

EVENING SESSION.

7 o'clock P. M.

House met pursuant to adjournment, and was called to order by the Speaker.

Roll called; quorum present.

The House resumed the

SPECIAL ORDER.

In the consideration of a bill entitled

A bill to amend an act entitled "an act to provide for assessing property at its true value, and for levying and collecting taxes thereon, approved February 14, 1853, and act amendatory thereto, approved Febproved February 12, 1855.

On motion of Mr. W. Davis,

The House resolved itself into committee of the whole to consider the same, and after some time spent thereon, the committee rose and through their chairman, reported that they have had the same under consideration, have made sundry amendments thereto, in which the concurrence of the House is respectfully asked, and that the committee be discharged from the further consideration of the same.

Report accepted and committee discharged.

On motion of Mr. Gregory,

The amendments were concurred in, in gross.

On motion of Mr. Shaw,

The bill was laid on the table.

By unanimous consent the Speaker announced the following

MESSAGES FROM THE SENATE:

SENATE CHAMBER,
Lansing, Jan. 29, 1858.

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate inform the House of Representatives that the Senate have appointed Senators Abel and Morrison, a committee to confer with a like committee on the part of the House, relative to the disagreement of the two Houses on the bill to provide for the payment of the members and officers of the extra session of the legislature for the year 1858.

Very respectfully,

ISAAC W. WILDER,
Secretary of the Senate.

SENATE CHAMBER,
Lansing, January 26, 1858.

To the Speaker of the House of Representatives:

SIR:—I am instructed by the Senate to transmit to the House,

A bill to authorize the township of Holland and other townships in the counties of Ottawa and Allegan, to make loans and levy taxes for the improvement of the harbor at the mouth of North Black River, in Ottawa county,

Which the Senate have passed by a majority vote of all the Senators elect, and ordered the same to take immediate effect by a vote of two-thirds of all said Senators, and in which the concurrence of the House is respectfully asked.

Very Respectfully,

ISAAC W. WILDER,
Secretary of the Senate.

The bill was read twice, and
On motion of Mr. Gregory,
Laid on the table.
On motion of Mr. Erskine,
The House adjourned till 9 o'clock to-morrow morning.

Lansing, Saturday, January 30, 1858.

House met at 9 o'clock pursuant to adjournment, and was called to order by the Speaker.

Prayer by Rev. Mr. Knickerbacker.

Roll called, quorum present.

Absent—Messrs. Allen, Bartlett, Beecher, Chase, House, McKnight, McKinley, O'Flynn, Smith, Stoddard and Whitney.

On motion of Mr. Goodman,
Leave of absence was granted to Mr. Mussey for the forenoon.

REPORTS OF STANDING COMMITTEES.

Mr. Blodgett, chairman of the committee on public lands, reported that the committee on public lands to whom was referred,

A bill entitled "a bill to authorize the District Judge of the Upper

Peninsula to convey lands held in trust in the "*Town Site*" of the village of Ontonagon, in the county of Ontonagan,"

Have carefully examined the same, together with the letter of the Hon. D. Goodwin, District Judge, pertaining to the necessity of legislative action; and it appearing from the letter aforesaid and other satisfactory vouchers submitted to your committee that act No. 29 of the session laws of 1853, does not provide for a full and complete execution of the trusts comtemplated by the act of Congress in the bill; therefore your committee recommend the bill referred to them, and submitted herewith, be passed, and respectfully ask to be discharged from further consideration of the same.

Report accepted and committee discharged, and

On motion of Mr. Sherman,

Bill placed on the odrer of third reading.

Mr. Kellogg, chairman of the committee on State Affairs, reported as follows:

The committee on State Affairs to whom was referred

A joint resolution relative to the indebtedness of the county of Washtenaw to the State,

Respectfully report that they have had the same under consideration, and recommend its passage, and ask to be discharged from the further consideration of the same.

Report accepted, committee discharged, and

On motion of Mr. Kellogg,

The rule was suspended, and the joint resolution was placed on its final passage.

The joint resolution entitled a

Joint resolution relative to the indebtedness of the county of Washtenaw to the State,

Was read a third time, and a majority of all the members elect voting therefor, it was passed by yeas and nays, as follows:

YEAS.

Mr. Allman,	Mr. Germain,	Mr. Merrill,
Ashmun,	Goodman,	Mulholland,
Bacon,	C. B. Goodrich,	Munger,
Beecher,	Goodwin,	Muscott,
Berry,	Gregory,	Nevins,
Blodgett,	Gulley,	Parkill,

Brown,	Harvey,	E. Perry,	
Brownell,	Haze,	G. D. Perry,	
Buckley,	High,	Schemerhorn,	
Calhoun,	House,	Sessions,	
Caukin,	How,	Shaw,	
Clark,	Hurd,	Sherman,	
Cook,	Ives,	Simonson,	
Combes,	Jerome,	Stoddard,	
Crosby,	Kellogg,	Sutton,	
J. M. Davis,	Kipp,	Wade,	
Dunbar,	Leland,	Wendell,	
Enos,	Linderman,	Wetherbee,	
Erskine,	Ludlow,	Yerkes,	
Fargo,	McMahon,	Speaker,	60

NAYS. 0

On motion of Mr. McMahon,

By a vote of two-thirds of all the members elect, the joint resolution was ordered to take immediate effect.

Mr. Sherman moved that

A bill to authorize the District Judge of the Upper Peninsula to convey lands held in trust in the town site of Ontonagon, in the county of Ontonagon,

Be read a third time and placed on its final passage.

Adopted.

Mr. Sherman moved that the bill be recommitted to the committee on Public Lands with instructions.

Adopted.

Mr. Ives, chairman of the committee on enrollment and engrossment submitted the following:

The committee on enrollment and engrossment, report as correctly engrossed, signed and presented to the Governor,

Joint resolution relative to the Northern Pacific Railroad.

Report accepted.

REPORTS OF SELECT COMMITTEES.

Mr. McMahon submitted the following report:

Your special committee, to whom was referred

A bill to incorporate the city of Ypsilanti,

Respectfully report that they have had the same under consideration and carefully examined every section thereof, and recommend the following amendments:

Sec. 4, insert after the word "mayor," in first line, the words "one supervisor."

Sec. 7, insert in 2d line, after word "mayor," the words "one supervisor."

Sec. 73, insert in line 2, after the word "justices," the words "for violation of any city ordinance."

Sec. 74, strike out all of section 74.

Sec. 76, strike out all of section 76.

Sec. 191, strike out in line 3, the words "law of this State," and insert the words "city ordinances."

Sec. 199, insert in line 2, after the word "forfeiture," the words "said city ordinances."

The House concurred in the amendments in gross.

MOTIONS, RESOLUTIONS AND NOTICES.

Mr. Merrill moved that

A bill authorising the township of Holland and other townships in the counties of Ottowa and Allegan, to levy a tax for the improvement of the Black Lake Harbor,

Be taken from the table and placed on the order for third reading.

Which was carried.

Mr. Parkill, pursuant to previous notice, leave being granted, introduced

A bill to amend an act entitled "an act to provide for laying out, establishing and improving a State road in Clinton, Gratiot, Shiawassee, Saginaw, and Genesee counties, approved February 17, 1857."

Referred to committee on roads and bridges.

Mr. Erskine moved that he have leave to withdraw a petition from the committee on towns and counties, relative to the organization of the county of Huron.

Leave granted.

Mr. Clark moved that

A bill to incorporate the city of St. Clair,

Be taken from the general order, and placed on the order for third reading.

Adopted.

Mr. Shaw moved that the special committee on State finances be instructed to report their action to the House, at 2 o'clock this afternoon.

On motion of Mr. Blodgett,

The motion was laid upon the table.

THIRD READING OF BILLS.

Senate bill, entitled

A bill to authorize the township of Holland and other townships in the counties of Ottawa and Allegan to loan money and levy tax for the improvement of Black Lake Harbor,

Was read a third time and majority of all the members elect voting therefor, it passed, by yeas and nays as follows:

YEAS.

Mr. Allen,	Mr. Germain,	Mr. Miller,
Allman,	Goodman,	Monroe,
Ashmun,	C. B. Goodrich,	Mulholland,
Bacon,	Goodwin,	Munger,
Beecher,	Gregory,	Muscott,
Berry,	Gulley,	Nevins,
Blodgett,	Harvey,	Parkill,
Brown,	Haze,	E. Perry,
Brownell,	High,	G. D. Perry,
Buckley,	House,	Potter,
Calhoun,	How,	Schemerhorn,
Caukin,	Hurd,	Sessions,
Clark,	Ives,	Shaw,
Cook,	Jerome,	Simonson,
Combes,	Judd,	Smith,
Crosby,	Kellogg,	Stoddard,
J. M. Davis,	Kipp,	Wade,
W. Davis,	Leland,	Wendell,
Dunbar,	Linderman,	Wetherbee,
Enos,	Ludlow,	Whitney,
Erskine,	McMahon,	Yerkes,
Fargo,	Merrill,	Speaker, 66

NAYS. 0

Title agreed to.

On motion of Mr. Kellogg,

By a vote of two-thirds of all the members elect the bill was ordered to take immediate effect.

By unanimous consent, the Speaker announced a message from the Governor, relating to pardons granted by him during the past year, and the reasons therefor,

Which was read by the Clerk, and

On motion of Mr. Shaw,

Laid upon the table.

The House resumed the order of

THIRD READING OF BILLS.

House bill, entitled

A bill to incorporate the city of St. Clair,

Was read a third time, and a majority of all the members elect voting therefor, it passed by yeas and nays as follows:

YEAS.

Mr. Allen,	Mr. Fargo,	Mr. Ludlow,	
Allman,	Germain,	McMahon,	
Ashmun,	Goodman,	Merrill,	
Bacon,	C. B. Goodrich,	Monroe,	
Bartlett,	R. Goodrich,	Mulholland,	
Beecher,	Goodwin,	Munger,	
Berry,	Gregory,	Muscott,	
Blodgett,	Gulley,	Nevins,	
Brooks,	Harvey,	Parkill,	
Brown,	Haze,	G. D. Perry,	
Brownell,	High,	Porter,	
Buckley,	House,	Schemerhorn,	
Calhoun,	How,	Sessions,	
Clark,	Hurd,	Shaw,	
Combes,	Ives,	Smith,	
J. M. Davis,	Jerome,	Wade,	
W. Davis,	Judd,	Wendell,	
Dunbar,	Kipp,	Wetherbee,	
Enos,	Leland,	Yerkes,	
Erskine,	Linderman,	Speaker,	60

NAYS.

Mr. Caukin,	Mr. Cook,	Mr. Potter,	3

Pending which vote,

Mr. Nevins moved that Mr. Caukin be excused from voting.

Lost.

Mr. Bacon moved that Mr. High be excused from voting.

Lost.

Title agreed to.

Mr. McMahon moved that the bill take effect on the 25th day of Feb., 1858.

Lost.

Mr. Judd moved that the bill take effect on the 20th day of February next.

Mr. Beecher called for the yeas and nays,

Which call was sustained, and the bill, being

A bill to incorporate the city of St. Clair,

By a vote of two-thirds of all the members elect, was ordered to take effect on the 20th day of February, 1858, by yeas and nays as follows:

YEAS.

Mr.	Allen,	Mr.	Germain,	Mr.	Merrill,
	Allman,		Goodman,		Miller,
	Ashmun,		C. B. Goodrich,		Monroe,
	Bacon,		R. Goodrich,		Mulholland,
	Bartlett,		Goodwin,		Munger,
	Beecher,		Gregory,		Muscott,
	Berry,		Gulley,		Nevins,
	Blodgett,		Harvey,		Parkill,
	Brooks,		Haze,		Porter,
	Brown,		High,		Potter,
	Brownell,		House,		Schemerhorn,
	Buckley,		How,		Sessions,
	Calhoun,		Hurd,		Shaw,
	Caukin,		Ives,		Simonson,
	Clark,		Jerome,		Smith,
	Cook,		Judd,		Stoddard,
	Combes,		Kellogg,		Wade,
	J. M. Davis,		Kipp,		Wendell,
	W. Davis,		Leland,		Wetherbee,
	Dunbar,		Linderman,		Whitney,
	Enos,		Ludlow,		Yerkes,
	Erskine,		McMahon,		Speaker,
	Fargo,				67

NAYS. 0

Senate bill entitled

A bill to incorporate the city of Ypsilanti,

Mr. McMahon, by unanimous consent, moved to amend by inserting in the second line of section 7, after the word "supervisor," the words "for said city."

Adopted.

The bill was then read a third time, and a majority of all the members elect voting therefor, it passed, by yeas and nays, as follows:

YEAS.

Mr.	Allen,	Mr.	C. B. Goodrich,	Mr.	Mulholland,
	Allman,		Goodwin,		Munger,
	Ashmun,		Gregory,		Muscott,
	Bacon,		Gulley,		Nevins,
	Bartlett,		Harvey,		Parkill,

Beecher,	Haze,	G. D. Perry,
Berry,	High,	Porter,
Blodgett,	House,	Potter,
Brooks,	Hurd,	Schemerhorn,
Brown,	Ives,	Sessions,
Brownell,	Jerome,	Shaw,
Buckley,	Judd,	Simonson,
Calhoun,	Kellogg,	Smith,
Clark,	Kipp,	Stoddard,
Combes,	Leland,	Sutton,
J. M. Davis,	Linderman,	Wade,
W. Davis,	Ludlow,	Wendell,
Dunbar,	McMahon,	Wetherbee,
Enos,	Merrill,	Whitney,
Erskine,	Miller,	Yerkes,
Fargo,	Monroe,	Speaker,
Goodman,		64

NAYS.

Mr. Caukin, Mr. Cook, Mr. How, 3.

Pending which vote,

Mr. Monroe moved that Mr. Potter be excused from voting.

Lost.

Title agreed to.

On motion of Mr. McMahon,

By a vote of two-thirds of all the members elect the bill was ordered to take immediate effect.

Mr. Shaw moved that the committee appointed to investigate the expenses of the State and situation of the Treasury, &c., be instructed to report this afternoon at 7 o'clock.

Mr. Berry moved to amend by striking out "7 o'clock."

Lost.

The original motion was then adopted.

Mr. Blodgett moved that the Judiciary Committee be instructed to report back to the House forthwith a bill, entitled

A bill to amend an act entitled "an act to repeal chapter twenty-five of the revised statutes of 1846;" also act 88, entitled "an act to amend chapter 25 of the revised statutes of 1846, relative to laying out, altering and discontinuing highways," approved March 18, 1848; also act No. 72, entitled "an act to amend chapter 25 of the revised statutes of 1846, approved March 15, 1848, and to provide for altering, laying out and discontinuing highways," approved February 17, 1857,

Adopted.

On motion of Mr. Goodman,

The House adjourned till 2 o'clock this afternoon.

—

AFTERNOON SESSION.

2 o'clock P. M.

House met pursuant to adjournment, and was called to order by the Speaker.

Roll called; quorum present.

By unanimous consent, the Speaker announced the following

MESSAGE FROM THE SENATE:

SENATE CHAMBER,
Lansing, January 30th, 1858.

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to transmit to the House of Representatives,

Joint resolution of instructions to our Senators and Representatives in Congress, urging appropriations for harbor improvements.

Also:

Joint resolutions of instructions to our Senators and Representatives in Congress, respecting the homestead bill.

Also:

A bill to provide for the drainage and sale of the swamp lands, and for the disposition of the proceeds.

All of which the Senate have passed by a majority of all the Senators elect, and ordered the last named bill to take immediate effect by a vote of two-thirds of all said Senators, in which the concurrence of the House is respectfully asked.

Very respectfully,

Your obedient servant,

ISAAC W. WILDER,

Secretary of the Senate.

The first named joint resolution was read twice and referred to the committee on federal relations.

The second named joint resolution was read twice and referred to the committee on rivers and harbors.

The bill was read twice and referred to the special committee on swamp lands.

PETITIONS.

By Mr. Beecher: petition of S. W. Ensign and 17 others, citizens of Montrose, praying for an amendment to the highway law.

Referred to the judiciary committee.

By the Speaker: memorial of the board of Supervisors of St. Clair county, respecting the sale of the swamp lands.

Referred to the special committee on swamp lands.

REPORTS OF STANDING COMMITTEES.

Mr. Blodgett, chairman of the committee on public lands, submitted the following report:

The committee, to whom was recommitted

A bill authorizing the District Judge of the Upper Peninsula to convey lands held in trust, &c.,

Herewith submit said bill, with an amendment to stand as section 3 of said bill, and respectfully recommend that the House concur in said amendment, and that said bill be passed.

On motion of Mr. Porter,

The amendment was concurred in.

Mr. Sherman moved that the rule be suspended, and the bill placed on its final passage.

Adopted.

The bill entitled

A bill to authorize the District Judge of the Upper Peninsula to convey lands held in trust in the village of Ontonagon, in the county of Ontonagon,

Was read a third time, and a majority of all the members elect voting for the same, it passed by yeas and nays as follows:

YEAS.

Mr.	Allen,	Mr.	R. Goodrich,	Mr.	Munger,
	Allman,		Goodwin,		Muscott,
	Ashmun,		Gulley,		Mussey,
	Bacon,		Harvey,		Nevins,
	Beecher,		Haze,		Parkill,
	Blodgett,		High,		E. Perry,
	Brooks,		House,		G. D. Perry,
	Brown,		How,		Porter,
	Buckley,		Hurd,		Potter,

Calhoun,	Ives,	Sessions,
Caukin,	Jerome,	Sherman,
Cook,	Judd,	Simonson,
Combes,	Kellogg,	Smith,
Crosby,	Kipp,	Stoddard,
W. Davis,	Leland,	Sutton,
Dunbar,	Linderman,	Wade,
Enos,	Ludlow,	Wendell,
Erskine,	Merrill,	Wetherbee,
Fargo,	Miller,	Whitney,
Germain,	Monroe,	Yerkes,
Goodman,	Mulholland,	Speaker,
C. B. Goodrich,		64

NAYS. 0

Title agreed to, and

On motion of Mr. R. Goodrich,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

Mr. Erskine, chairman of the committee on roads and bridges, reported as follows:

The committe on roads and bridges to whom was referred

A bill to amend an act entitled an act for laying out and establishing and improving a State Road in the counties of Clinton, Gratiot, Shiawassee, Saganaw and Genesee, approved February 17, 1857,

Respectfully report, that they have had the same under consideration, and recommend its passage, and ask to be discharged from the further consideration of the same.

On motion of Mr. Parkill,

The bill was placed upon the order of third reading.

Mr. Shaw, chairman of the Judiciary committee, submitted the following report:

The Judiciary committee, to whom was referred Senate bill No. 5, in relation to highways, in obedience to instructions of the House to report forthwith, respectfully report, they have had the same under consideration, with the various amendments proposed by members, before them. That your committee have been unable to reconcile various and conflicting opinions in relation to the powers of the Legislature upon the subject of conferring upon road commissioners the authority to lay out highways, by consent of the owners of the lands thus dedicated. Also, as to the propriety of authorizing the laying of town

roads, under the constitution, by special or general act, otherwise than required by article 10, section 11, of the constitution. Your committee therefore unanimously have instructed me to report back the bill with an amendment to section 5 of said act, authorizing a justice of the peace to discharge a jury in case they cannot agree, and summon another, as in other cases provided, and that the bill thus amended do pass, leaving to the judiciary of the State the settlement of the question in relation to the rights of the public, as well as of individuals, growing out of the passage of said act.

On motion of Mr. W. Davis,

The House concurred in the amendment.

And the bill was placed on the order for third reading.

REPORT OF SPECIAL COMMITTEE.

Mr. McMahon, chairman of the special committee on Swamp Lands, submitted the following report:

Your committee to whom was referred Senate bill No 6, being

A bill to provide for the drainage and sale of swamp lands, and for the disposition of the proceeds,

Respectfully report, that they have had the same under consideration and return the same to the House, and recommend that the same do not pass.

Report accepted and committee discharged.

Mr. Shaw moved that the rule be suspended, the bill read a third time and placed on its final passage.

Withdrawn.

Mr. Beecher renewed the motion, which was adopted.

Mr. Sherman moved to strike out all after the enacting clause.

Mr. Shaw moved to amend by inserting, after the enacting clause, all of House bill No. 3, entitled

A bill to provide for sale of the swamp lands granted to this State by an act of Congress bearing date September 28, 1850, and for the disposition of the proceeds,

The amendment was accepted.

Mr. Schermerhorn called for a division of the question.

Mr. Sherman withdrew his motion to strike out.

Mr. Mussey moved the previous question, which was ordered.

Whereupon, Senate bill No. 6, being

A bill to provide for the drainage and sale of swamp lands, and for the disposition of the proceeds,

Was read a third time, and a majority of all the members elect not voting therefor, it was not passed, by yeas and nays, as follows;

YEAS.

Mr.	Harvey,	Mr.	Nevins,	Mr.	Stoddard,
	High,		G. D. Perry,		Sutton,
	Hurd,		Potter,		Wade,
	Judd,		Schermerhorn,		Wetherbee,
	Mulholland,				13

NAYS.

Mr.	Allen,	Mr.	Erskine,	Mr.	McMahon,
	Allman,		Fargo,		Merrill,
	Ashmun,		Germain,		Miller,
	Bacon,		Goodman,		Monroe,
	Bartlett,		C. B. Goodrich,		Munger,
	Beecher,		R. Goodrich,		Muscott,
	Blodgett,		Goodwin,		Mussey,
	Brooks,		Gregory,		Parkill,
	Brownell,		Gulley,		E. Perry,
	Buckley,		Haze,		Porter,
	Calhoun,		House,		Sessions,
	Caukin,		How,		Shaw,
	Clark,		Ives,		Sherman,
	Cook,		Jerome,		Simonson,
	Combes,		Kellogg,		Smith,
	Crosby,		Kipp,		Wendell,
	W. Davis,		Leland,		Whitney,
	Dunbar,		Linderman,		Yerkes,
	Enos,		Ludlow,		Speaker, 57

Mr. Judd, chairman of the committee on Federal Relations, reported as follows:

Your committee on Federal Relations, to whom was referred

Joint resolution relative to granting the public lands to actual settlers,

Herewith report the same back to the House and recommend its passage, and ask to be discharged from the further consideration thereof.

On motion of Mr. Judd,

The joint resolution was placed on the order for third reading.

Mr. Gregory, chairman of the special committee on conferring with the Senate, submitted the following:

The special committee appointed to confer with a like committee on the

part of the Senate, upon the disagreement of the two Houses relative to a certain amendment to Senate bill No. 2, report that they have had a conference with said Senate committee. After mature deliberation upon the matter in controversy, your committee are of the opinion that the amendment made in the House to said Senate bill, by substituting the word "two," for the word "three," in the 13th line of the second section, relating to the firemen's per diem, should be retained. With the bill so amended, and as agreed to by the committees of the respective Houses, the compensation of the firemen in both Houses, will be two dollars per day for actual attendance during the session. Your committee therefore respectfully recommend that the House insist upon its amendment, and ask to be discharged from the further consideration of the subject.

Report accepted and committee discharged.

Mr. Mussey moved that the House insist upon its disagreement.

Adopted.

The Speaker announced the following

MESSAGE FROM THE SENATE:

SENATE CHAMBER,
Lansing, January 30, 1858.

To the Speaker of the House of Representatives:

SIR:—I am instructed by the Senate to respectfully inform the House that the Senate do not adopt the report of the committee of conference, recommending the concurrence of the Senate in the amendment made by the House to Senate bill No. 2, being

"A bill to provide for the payment of the members and officers of the Extra Session of the Legislature for the year eighteen hundred and fifty-eight."

Very Respectfully,
I. W. WILDER,
Secretary of the Senate.

MOTIONS, RESOLUTIONS AND NOTICES.

Mr. W. Davis moved to take from the table,

A bill to amend an act entitled "an act to provide for assessing property at its true cash value, and for levying and collecting taxes thereon," approved February 14, 1853, and an act amendatory thereto, approved February 12, 1855,

And place it upon the order of third reading.

Adopted.

Mr. Blodgett offered the following:

Resolved, (the Senate concurring,) That a committee of five be appointed by each House, to report and submit, if possible,

A bill to provide for the sale of the swamp lands.

Which, under the rule, was laid on the table for one day.

THIRD READING OF BILLS.

House bill being

A bill to amend an act entitled "an act to provide for assessing property at its true value, and for levying and collecting taxes thereon," approved February 14th, 1853, and an act amendatory thereto, approved February 12th, 1855,

Was read a third time, and the question being upon the final passage of the bill,

Pending the reading,

Mr. Shaw moved that the bill be recommitted to the committee on State Affairs.

Mr. Kellogg moved to substitute the Judiciary Committee,

Which was carried.

Pending the question on the amendment,

The Speaker called Mr. Schermerhorn to the chair.

Mr. Blodgett moved to amend by recommitting this bill to a special committee, with instructions to amend section 101 by inserting in first line after the words Auditor General, the words: "other than such as hold or claim to hold under tax title;" and to strike out the word purchase, in 3d line, and insert "deed."

Adopted.

The Chair appointed Messrs. Mussey, Allman, Allen, Beecher, and Yerkes said committee.

On motion of Mr. Beecher,

The House adjourned to 7 o'clock this evening.

EVENING SESSION.

7 o'clock, P. M.

House met pursuant to adjournment, and was called to order by the Speaker.

Roll called; quorum present.

The Speaker called Mr. Schemerhorn to the Chair.

The House took up the

SPECIAL ORDER.

Mr. Porter, chairman of the special committee on State Finances dsubmitted a majority report of said committee upon the matters referre to therein.

Mr. Kanter submitted a minority report upon the same subjects.

The reports were read, after which, Mr. Gregory moved that the majority and minority reports be referred to the special committee from whence they emanated with instructions to amend with explanatory notes, contrasted statements, official tables and reports, or in any other way that is proper and true, by which the charges of corruption, extravagance or incompetency, alleged in said reports, may be satisfactorily explained, if possible.

Mr. Berry offered the following substitute:

Resolved, That the majority and minority reports in regard to the past financial affairs of the State, be laid on the table and printed.

Lost.

Mr. Kanter moved to amend the motion of Mr. Gregory, by adding thereto, "and that each and every member be and is hereby authorized to examine books, papers, and funds in the treasury, and, send for witnesses, and examine them under oath."

Mr. Shaw offered the following as a substitute for the amendment:

"And said committee are instructed to report the same on Monday next."

Mr. Brownell called for the yeas and nays.

Which were not ordered.

The substitute was then adopted.

The amendment, as substituted, was carried.

The original motion, as amended, was then adopted.

Mr. Shaw moved that the vote by which the House insisted upon its amendment to

A bill to provide for the payment of the members and officers of the extra session of the legislature for the year 1858,

Be reconsidered.

Which was carried.

And the question recurring upon the motion to insist,

On motion of Mr. Blodgett,

The subject was made the special order for Monday morning, at 9 o'clock.

Mr. McMahon moved that the vote by which the Senate swamp land bill was lost, be reconsidered.

Which prevailed.

On motion of Mr. Blodgett,

The House adjourned till 9 o'clock Monday morning.

Lansing, Monday, February 1, 1858.

House met pursuant to adjournment, and was called to order by the Speaker.

Roll called; quorum present.

REPORTS OF SPECIAL COMMITTEES.

By Mr. Mussey: the special committee to whom was referred

A bill to provide for assessing property at its true value, and for levying and collecting taxes thereon, approved Feb. 14th, 1853, and an act amendatory thereto, approved Feb. 12th, 1855,

Have had the same under consideration, and have instructed me to report the same back with the amendments which they were instructed to make to section 10, and ask to be discharged from the further consideration of the same.

Report accepted and committee discharged.

The amendments were severally concurred in.

Mr. Shaw moved to insert in the 4th line of section 89, after the the word "law," the words: "or illegally assessed."

Lost.

Mr. Shaw moved to insert in 3d line of section 99, after the word "paid," the words: "or illegally assessed."

Lost.

Mr. Shaw moved to amend section 101, in the 4th line, by inserting after the word "period," the words: "except as hereinafter provided."

Lost.

[The Speaker called Mr. McMahon to the chair.]

Mr. Shaw moved to strike out all after the word "thereof," in line 9, section 102.

After discussion, Mr. G. D. Perry moved the previous question,

Which was ordered.

And the amendment was adopted.

Mr. Mussey moved to reconsider the vote by which the report of the special committee appointed to examine the condition of the State treasury, was recommitted with instructions.

Mr. Berry moved the previous question, which was ordered.

And the motion was adopted.

The question being on the motion recommitting the reports to the committee,

Mr. Mussey offered a substitute therefor, that the reports be laid upon the table and ordered printed; upon which he moved the previous question.

Which was ordered, and the substitute was adopted.

The question being upon the original motion, as substituted, it was adopted.

Mr. Mussey, chairman of the committee on towns and counties, made the following report:

The committee on towns and counties, to whom was referred the petition asking for the organization of a new county from Emmett and Cheboygan, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the House with a bill, which is herewith submitted, and recommend its passage, and that they be discharged from the further consideration of the same.

Report accepted.

The bill was read twice and placed on the order for third reading.

Mr. Bartlett, from the committee on Roads and Bridges, submitted the following report:

The committee on Roads and Bridges, having had under under consideration

A bill to repeal act number 145 of the session laws of 1857, being an act to provide for laying out and establishing a State road in the counties of St. Clair, Sanilac and Tuscola,

Would respectfully report that they have duly considered the provisions of the bill, recommend its passage and ask to be discharged from its further consideration.

Read twice, and

On motion of Mr. Bartlett,

The bill was ordered to a third reading.

Mr. R. Goodrich moved that

Joint resolution relative to the Northern Pacific Railroad,

Be entered upon the journal.

Lost.

Mr. Shaw called for the

SPECIAL ORDER,

Being a bill to provide for the payment of the officers and members of the extra session of the Legislature, for 1858.

The question recurring upon the motion that the House insist upon its disagreement,

Mr. Judd offered as a substitute therefor, that the House appoint a committee to confer with the Senate in relation to the disagreement.

Lost.

The original motion that the House insist upon its disagreement, was adopted.

MOTIONS, RESOLUTIONS AND NOTICES.

Mr. Berry offered the following:

Resolved, (the Senate concurring,) That the time for the final adjournment of this Legislature, be fixed for Wednesday, Feb. 3, at 12 o'clock M.

Which, under the rule, was laid on the table.

Mr. Judd offered the following:

Whereas, The legislature, at its present session has, by the passage of a joint resolution instructed their Senators and Representatives in Congress to use their earnest efforts to procure the passage of a law securing a homestead to the landless on the public lands; and

Whereas, The interests of the State, as well as justice to the *landless citizens*, demand that a like policy should be pursued by the State of Michigan relative to its own domain; therefore,

Resolved, That the Special Committee on Swamp Lands be instruc-

ted to report a bill to this House donating eighty acres of land to every person over twenty-one years of age, subject to the following conditions: Upon payment of five dollars to the State Treasurer they shall be entitled to a certificate giving them possession of soil, with a further condition requiring continued occupancy and payment of all taxes assessed, and upon presentation of proof to be provided for in said bill, that one-quarter of said donated land has been brought under good improvement and cultivation, the said person or his heirs to be entitled to a patent therefor.

Mr. Judd moved the previous question,

Which was ordered.

The question being on the passage of the resolution, Mr. Chase called for the yeas and nays,

Which call was sustained, and the resolutions passed by yeas and nays as follows:

YEAS.

Mr. Allen,	Mr. Germain,	Mr. Miller,
Allman,	Goodman,	Monroe,
Ashmun,	C. B. Goodrich,	Mulholland,
Bacon,	R. Goodrich,	Munger,
Bartlett,	Goodwin,	Nevins,
Beecher,	Gregory,	Parkill,
Berry,	Gulley,	E. Perry,
Blodgett,	Harvey,	G. D. Perry,
Brown,	Haze,	Porter,
Brownell,	House,	Potter,
Buckley,	How,	Schemerhorn,
Calhoun,	Hurd,	Sessions,
Caukin,	Ives,	Shaw,
Chase,	Jerome,	Sherman,
Clark,	Judd,	Simonson,
Cook,	Kanter,	Smith,
Combes,	Kellogg,	Stoddard,
Crosby,	Kipp,	Sutton,
J. M. Davis,	Leland,	Wade,
Dunbar,	Ludlow,	Wendell,
Erskine,	McMahon,	Wetherbee,
Fargo,	Merrill,	Speaker, 66

NAYS.

Mr. Enos,	Mr. Whitney,	Mr. Yerkes, 3

Pending which vote,

Mr. Sherman moved that Mr. Erskine be excused from voting.

Lost.

Mr. Erskine, by unanimous consent, introduced

A bill to amend act No. 62, of the session laws of 1857, said act being an act to provide for laying out and establishing a State road in the counties of Sanilac and Tuscola.

Read twice, and referred to committee on Roads and Bridges.

Mr. Ashmun, by unanimous consent, introduced

A bill to amend an act to provide for the construction of a State road from Saginaw City by way of St. Louis and Ithaca, in Gratiot county, to St. Johns, in Clinton county.

Read twice and referred to committee on Roads and Bridges.

Mr. Ashmun, by unanimous consent, introduced

A bill to amend an act to provide for laying out and establishing a certain State road in the counties of Midland, Isabella and Gratiot.

Read twice and referred to the committee on Roads and Bridges.

Mr. Erskine gave notice that on some future day he would introduce

A bill to lay out and establish a State road in the county of Sanilac.

Mr. Nevins offered the following:

Resolved, That from and after 12 o'clock' noon, on Tuesday, the 2d inst., the two Houses will transact no further business other than for the President of the Senate and the Speaker of the House to sign enrolled bills for the approval of the Governor, and the entry of the same on the journal proper of the Senate and the House, by the Secretary and the Clerk; and that the day of final adjournment of the two Houses of this legislature shall be on the third day of February, at 12 o'clock, noon, of that day.

Mr. Chase moved that the rule be suspended, and that the resolution be put on its immediate passage.

Lost, and the resolution laid upon the table under the rule.

UNFINISHED BUSINESS.

The House took up Senate bill No. 6, being

A bill to provide for the sale and drainage of swamp lands, and for disposition of the proceeds.

Mr. Shaw moved that the bill be recommitted with instructions to substitute therefor House bill No. 3, being

A bill to provide for the sale of the swamp lands and the reclamation thereof, and to secure the pre-emptions claims of settlers thereon.

Adopted.

Mr. Shaw moved that the vote by which the House insisted on its disagreement with the Senate in relation to

A bill to provide for the payment of the officers and members of the extra session of the Legislature for 1858,

Be reconsidered.

Lost.

THIRD READING OF BILLS.

Senate bill No. 5, being

A bill to amend an act entitled "an act to repeal chapter 25 of the revised statutes of 1846;" also, act 88, entitled an act to amend chapter 25 of the revised statutes of 1846, relative to laying out, altering and discontinuing highways, approved March 18, 1848; also, act No. 72, entitled an act to amend chapter 25 of the revised statutes of 1846, approved March 15, 1848, and to provide for altering, laying out and discontinuing highways, approved February 17, 1857,

Was read a third time, and a majority of all the members elect voting therefor, it passed, by yeas and nays, as follows:

YEAS.

Mr. Allen,	Mr. Germain,	Mr. Munger,
Allman,	Goodman,	Mussey,
Ashmun,	C. B. Goodrich,	Nevins,
Bacon,	R. Goodrich,	Parkill,
Bartlett,	Goodwin,	G. D. Perry,
Beecher,	Gregory,	Porter,
Berry,	Gulley,	Potter,
Blodgett,	Harvey,	Schemerhorn,
Brooks,	Haze,	Sessions,
Brown,	House,	Shaw,
Buckley,	Hurd,	Simonson,
Calhoun,	Ives,	Smith,
Caukin,	Jerome,	Stoddard,
Cook,	Kellogg,	Sutton,
Combes,	Kipp,	Wade,
Crosby,	Leland,	Wetherbee,
W. Davis,	Ludlow,	Whitney,
Dunbar,	Merrill,	Yerkes,
Erskine,	Monroe,	Speaker,
Fargo,	Mulholland,	59

NAYS.

Mr. High,	Mr. How,	2

Title agreed to.

On motion of Mr. Shaw,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

House bill, being

A bill to amend an act entitled "an act to provide for assessing property at its true value, and for levying and collecting taxes thereon," approved Feb. 14th, 1853, and an act amendatory thereto, approved Feb. 12th, 1855.

Was read a third time, and a majority of all the members elect voting therefor, it passed, by yeas and nays, as follows:

YEAS.

Mr. Allen,	Mr. Goodman	Mr. Nevins,
Ashmun,	C. B. Goodrich,	Parkill,
Bacon,	Goodwin,	E. Perry,
Beecher,	Gregory,	G. D. Perry,
Berry,	Harvey,	Potter,
Blodgett,	Haze,	Schemerhorn,
Brown,	House,	Sessions,
Brownell,	Ives,	Simonson,
Buckley,	Judd,	Smith,
Calhoun,	Kellogg,	Sutton,
Caukin,	Leland,	Wade,
Combes,	McMahon,	Wetherbee,
Crosby,	Merrill,	Whitney,
W. Davis,	Mulholland,	Yerkes,
Fargo,	Mussey,	Speaker,
Germain,		46

NAYS.

Mr. Allman,	Mr. Gulley,	Mr. Monroe,
Brooks,	High,	Munger,
Clark,	How,	Porter,
Cook,	Hurd,	Shaw,
J. M. Davis,	Jerome,	Sherman,
Dunbar,	Kipp,	Stoddard,
Erskine,	Ludlow,	Wendell,
R. Goodrich,	Miller,	23

Pending which vote,

Mr. Kellogg moved that Mr. Gulley be excused from voting.

Lost.

Title agreed to.

Mr. Beecher moved that the bill take immediate effect.

Lost.

House bill being

A bill to amend an act entitled "an act to provide for laying out, establishing and improving a State Road in Clinton, Gratiot, Shiawassee, Saginaw, and Genesee counties, approved February 17, 1857,

Was read a third time, and a majority of all the members elect voting therefor, it passed, by yeas and nays, as follows:

YEAS.

Mr. Allen,	Mr. Goodman,	Mr. Monroe,	
Allman,	R. Goodrich,	Mulholland,	
Ashmun,	C. B. Goodrich,	Munger,	
Bacon,	Goodwin,	Muscott,	
Bartlett,	Gulley,	Mussey,	
Beecher,	Harvey,	Nevins,	
Brooks,	Haze,	Parkill,	
Brown,	High,	G. D. Perry,	
Brownell,	House,	Porter,	
Calhoun,	How,	Potter,	
Chase,	Hurd,	Schermerhorn,	
Clark,	Ives,	Sessions,	
Cook,	Jerome,	Shaw,	
Combes,	Judd,	Smith,	
J. M. Davis,	Kellogg,	Sutton,	
W. Davis,	Kipp,	Wade,	
Dunbar,	Leland,	Wendell,	
Erskine,	Ludlow,	Wetherbee,	
Fargo,	McMahon,	Whitney,	
Germain,	Merrill,	Speaker,	60

NAYS. 0

Title agreed to.

On motion of Mr. R. Goodrich,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

Joint resolution entitled

A joint resolution in relation to granting public lands of the United States to actual settlers,

Was read a third time, and a majority of all the members elect voting therefor, it passed, by yeas and nays, as follows:

YEAS.

Mr. Allen,	Mr. C. B. Goodrich,	Mr. Monroe,	
Allman,	R. Goodrich,	Mulholland,	
Ashmun,	Goodwin,	Munger,	
Bacon,	Gregory,	Mussey,	
Bartlett,	Gulley,	Nevins,	

Beecher,	Harvey,	Parkill,
Brooks,	Haze,	E. Perry,
Brown,	High,	G. D. Perry,
Brownell,	House,	Porter,
Buckley,	How,	Potter,
Caukin,	Hurd,	Schemerhorn,
Chase,	Ives,	Sessions,
Clark,	Jerome,	Shaw,
Cook,	Judd,	Sherman,
Combes,	Kanter,	Simonson,
Crosby,	Kellogg,	Smith,
J. M. Davis,	Kipp,	Sutton,
W. Davis,	Leland,	Wade,
Dunbar,	Ludlow,	Wendell,
Kanter,	McMahon,	Wetherbee,
Fargo,	Merrill,	Yerkes,
Germain,	Miller,	Speaker,
Goodman,		67

NAYS.

Mr. Whitney, 1

Preamble adopted, and title agreed to.

House bill entitled

A bill to amend an act entitled "an act to organize the county of Emmett, approved February 13, 1855,

Being under consideration,

On motion of Mr. Clark,

The rule was suspended requiring the second and third reading on different days,

And the bill was read a third time, and a majority of all the members elect voting therefor, it passed, by yeas and nays, as follows:

YEAS.

Mr. Allen,	Mr. Fargo,	Mr. Merrill,
Allman,	Germain,	Monroe,
Ashmun,	Goodman,	Mulholland,
Bacon,	C. B. Goodrich,	Munger,
Bartlett,	Goodwin,	Nevins,
Beecher,	Gulley,	G. D. Perry.
Blodgett,	Harvey,	Porter,
Brown,	Haze,	Schemerhorn,
Brownell,	House,	Sessions,
Buckley,	Hurd,	Shaw,
Calhoun,	Jerome,	Simonson,
Caukin,	Judd,	Smith,
Chase,	Kanter,	Sutton,

Clark,	Kellogg,	Wade,	
Combes,	Kipp,	Wendell,	
J. M. Davis,	Leland,	Wetherbee,	
W. Davis,	Ludlow,	Whitney,	
Dunbar,	McMahon,		53

NAYS.

Mr. Cook,	Mr. How,	Mr. E. Perry,	
Gregory,	Miller,	Yerkes,	6

Title agreed to.

House bill entitled

A bill to repeal act No. 145 of the session laws of 1857, being an act to provide for laying out and establishing a State road in the counties of St. Clair, Sanilac, and Tuscola,

Being under consideration,

On motion of Mr. Mussey,

The rule was suspended requiring the second and third readings on different days, and the bill was read a third time and a majority of all the members elect voting thereref or, it passed by yeas and nays as follows:

YEAS.

Mr. Allen,	Mr. Goodman,	Mrr Monroe,	
Allman,	C. B. Goodrich,	Mulholland,	
Ashmun,	R. Goodrich,	Munger,	
Bacon,	Goodwin,	Mussey,	
Bartlett,	Gregory,	Parkill,	
Beecher,	Gulley,	E. Perry,	
Brown,	Harvey,	G. D. Perry,	
Brownell,	Haze,	Porter,	
Buckley,	House,	Potter,	
Calhoun,	How,	Schermerhorn,	
Caukin,	Hurd,	Sessions,	
Chase,	Ives,	Shaw,	
Clark,	Jerome,	Simonson,	
Cook,	Judd,	Smith,	
Combes,	Kellogg,	Stoddard,	
J. M. Davis,	Kipp,	Sutton,	
W. Davis,	Leland,	Wade,	
Dunbar,	Ludlow,	Wendell,	
Erskine,	McMahon,	Wetherbee,	
Fargo,	Merrill,	Whitney,	
Germain,	Miller,	Yerkes,	63

NAYS.

Mr. High, 1

Title agreed to.

On motion of Mr. R. Goodrich,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

Mr. McMahon, chairman of the special committee on swamp lands, submitted the following report:

Your committee, to whom was referred Senate bill No. 6, being

A bill to provide for the sale and drainage of swamp lands, and for the disposition of the proceeds,

With instructions to amend the same by striking out all after the enacting clause and insert in lieu thereof House bill No. 3, respectfully report that they have discharged the duty imposed upon them, and return the bill to the House, so amended.

Report accepted, and amendment concurred in.

Mr. Nevins moved to re-commit the bill to the special committee on swamp lands, with instructions to amend section 5, by adding to said section the following: "at interest at seven per cent per annum, one-half of which shall be paid to the several counties in which such lands were sold, to be applied under the direction of the supervisors of said counties, for the purpose of drainage and reclamation, and the balance of said interest shall be paid into the primary school fund; *Provided*, That the principal of said fund shall be applied to the payment of the outstanding bonds of the State, in the order in which they shall fall due."

Lost.

The bill, being

A bill to provide for the drainage and sale of the swamp lands, and and for the disposition of the proceeds,

Was then read a third time, and a majority of all the members elect not voting therefor it was not passed by yeas and nays as follows:

YEAS.

Mr. Allman,	Mr. Erskine,	Mr. Leland,
Ashmun,	Fargo,	McMahon,
Bacon,	Germain,	Merrill,
Bartlett,	C. B. Goodrich,	Monroe,
Beecher,	R. Goodrich,	Mussey,
Brooks,	Goodwin,	Parkill,
Brown,	Gregory,	E. Perry,
Buckley,	Haze,	Porter,

Caukin,	House,	Sessions,	
Clark,	Ives,	Shaw,	
Cook,	Jerome,	Simonson,	
Crosby,	Kellogg,	Whitney,	
W. Davis,	Kipp,	Yerkes,	39

NAYS.

Mr. Allen,	Mr. High,	Mr. Potter,	
Blodgett,	How,	Schemerhorn,	
Brownell,	Hurd,	Sherman,	
Calhoun,	Judd,	Smith,	
Chase,	Kanter,	Stoddard,	
Combes,	Ludlow,	Sutton,	
J. M. Davis,	Miller,	Wade,	
Dunbar,	Mulholland,	Wendell,	
Goodman,	Munger,	Wetherbee,	
Gulley,	Nevins,	Speaker,	
Harvey,	G. D. Perry,		32

Pending which vote,

Mr. Ashmun moved a call of the House, which was not ordered.

By unanimous consent, the Speaker, announced the following

MESSAGES FROM THE SENATE:

SENATE CHAMBER,
Lansing, February 1, 1858.

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to inform the House, that the Senate have appointed a committee to confer with a like committee on the part of the House, relative to the disagreement of the two Houses, on

A bill to provide for the payment of the members and officers of the extra session of the legislature for the year 1858,

Said committee consisting of Senators Roberts and Boies.

Very respectfully,

ISAAC W. WILDER,

Secretary of the Senate.

Mr. Shaw moved that a like committee be appointed on the part of the House.

Adopted.

The chair appointed Messrs. Shaw and Caukin said committee.

SENATE CHAMBER,
Lansing, February 1, 1858.

To the Hon. the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to transmit to the House,

Joint Resolution relative to the extension of slavery,

Which the Senate have passed by a majority vote of all the Senators elect, in all of which the concurrence of the House is respectfully asked.

Very respectfully,
Your obedient servant,
ISAAC W. WILDER,
Secretary of the Senate.

Read twice and referred to the committee on Federal Relations.

SENATE CHAMBER,
Lansing, February 1, 1858.

To the Speaker of the House of Representatives:

SIR:—I am instructed by the Senate to transmit to the House,

A bill to incorporate the city of St. Clair.

Also:

A bill in regard to suits in Hampton township,

Which the Senate have amended by inserting after the word "certiorari" in seventh line, the words "purporting to be to."

Also, House bill No. 3, being

Being a bill to provide for the sale of Swamp Lands, and the reclamation thereof, and to secure the pre-emption claims of settlers thereon,

Which the Senate have amended by striking out all after the enacting clause and insert all of Senate bill No. 6, being

A bill to provide for the drainage and sale of Swamp Lands, and for the disposition of the proceeds,

After the enacting clause thereof, which is now in possession of the House.

In the passage of which, with the two last named so amended, the Senate have concurred by a majority vote of all the Senators elect.

In which amendments the concurrence of the House is respectfully asked.

The Senate ordered the first named bill to take effect on the 20th day of Februarv, 1858; and the second named bill to take effect thirty days after its approval by the Governor.

Very Respectfully,
I. W. WILDER,
Secretary of the Senate.

The question being on concurring in the amendment made to

A bill relative to suits in Hampton township,

The House concurred therein, by yeas and nays, as follows :

YEAS.

Mr. Allman,	Mr. Germain,	Mr. Monroe,
Ashmun,	Goodman,	Mulholland,
Bacon,	C. B. Goodrich,	Munger,
Bartlett,	R. Goodrich,	Mussey,
Beecher,	Goodwin,	Nevins,
Berry,	Gregory,	Parkill,
Brooks,	Gulley,	G. D. Perry,
Brown,	Harvey,	Potter,
Brownell,	Haze,	Porter,
Buckley,	House,	Schermerhorn,
Calhoun,	How,	Sessions,
Caukin,	Hurd,	Shaw,
Chase,	Ives,	Smith,
Cook,	Jerome,	Stoddard,
Combes,	Kanter,	Sutton,
Crosby,	Kipp,	Wade,
J. M. Davis,	Leland,	Wendell,
W. Davis,	Ludlow,	Wetherbee,
Dunbar,	Merrill,	Whitney,
Fargo,	Miller,	Speaker, 60

NAYS.

Mr. Yerkes, 1

The bill was then referred to the Committee on Engrossment and Enrollment.

A bill incorporating the city of St. Clair,

Was referred to the Committee on Enrollment and Engrossment.

The question being on concurring in the amendment of the Senate to the

Bill to provide for the sale of the swamp lands, and the reclamation thereof, and to secure pre-emption claims of settlers thereon,

Mr. Schermerhorn moved the House concur.

Mr. Judd moved to amend, by inserting the words "do not," before the word "concur."

Withdrawn.

Mr. Shaw moved a call of the House, which was ordered.

Absent without leave, Messrs. Enos, Kellogg, Linderman, McKnight, McKinley, Muscott, O'Flynn, White.

On motion of Mr. Sutton,

Further proceedings under the call were dispensed with.

The House then refused to concur in the amendment made by the Senate, by yeas and nays as follows:

YEAS.

Mr.	Allen,	Mr.	High,	Mr.	Nevins,
	Harvey,		Mulholland,		Sutton, 6

NAYS.

Mr.	Allman,	Mr.	Germain,	Mr.	Miller,
	Ashmun,		Goodman,		Monroe,
	Bacon,		C. B. Goodrich,		Munger,
	Bartlett,		R. Goodrich,		Mussey,
	Beecher,		Goodwin,		Parkill,
	Berry,		Gregory,		E. Perry,
	Blodgett,		Gulley,		Porter,
	Brooks,		Haze,		Potter,
	Brown,		House,		Sessions,
	Brownell,		How,		Shaw,
	Buckley,		Hurd,		Sherman,
	Caukin,		Ives,		Simonson,
	Chase,		Jerome,		Smith,
	Clark,		Judd,		Stoddard,
	Cook,		Kanter,		Wade,
	Crosby,		Kipp,		Wendell,
	J. M. Davis,		Leland,		Wetherbee,
	W. Davis,		Ludlow,		Whitney,
	Dunbar,		McMahon,		Yerkes,
	Erskine,		Merrill,		Speaker,
	Fargo,				61

Mr. Blodgett moved to reconsider the vote by which the House refused to concur in the amendment reported by the special committee on swamp lands, to Senate bill No. 6, entitled

A bill to provide for the drainage and sale of swamp lands, and for the disposition of the proceeds.

Adopted.

The question being on the passage of the bill as amended, it was passed by yeas and nays, as follows:

YEAS.

Mr.	Allman,	Mr.	Fargo,	Mr.	McMahon,
	Ashmun,		Germain,		Merrill,
	Bacon,		C. B. Goodrich,		Monroe,
	Bartlett,		R. Goodrich,		Mussey
	Beecher,		Goodwin,		Parkill,
	Berry,		Gregory,		E. Perry,
	Brooks,		Gulley,		Porter,

Brown,	Haze,	Potter,	
Buckley,	House,	Schoemerhorn,	
Caukin,	Hurd,	Sessions,	
Clark,	Ives,	Shaw,	
Cook,	Jerome,	Simonson,	
Crosby,	Judd,	Wetherbee,	
W. Davis,	Kipp,	Whitney,	
Erskine,	Leland,	Yerkes,	45

NAYS.

Mr. Allen,	Mr. Harvey,	Mr. G. D. Perry,	
Blodgett,	High,	Sherman,	
Brownell,	How,	Smith,	
Calhoun,	Kanter,	Stoddard,	
Chase,	Ludlow,	Sutton,	
Combes,	Miller,	Wade,	
J. M. Davis,	Mulholland,	Wendell,	
Dunbar,	Munger,	Speaker,	
Goodman,	Nevins,		26

Mr. McMahon moved that a committee of five be appointed to confer with a like committee on the part of the Senate in relation to the disagreement of the two Houses, on Senate bill No. 6, being

A bill to provide for the drainage and sale of swamp lands, and for the disposition of the proceeds.

On motion of Mr. Blodgett,

The House adjourned till two o'clock P. M.

AFTERNOON SESSION.

2 o'clock P. M.

House met pursuant to adjournment, and was called to order by the Speaker.

Roll called; quorum present.

The Speaker announced the special committee on conferring with the Senate, relative to the disagreement of the two Houses upon the swamp land bill, as follows: Messrs. McMahon, Clark, Sessions, Goodwin and E. Perry.

Mr. Crosby asked and obtained leave of absence for Mr. Enos for an indefinite period.

PETITIONS PRESENTED.

By Mr. Mulholland:

Petition of E. A. Kroby and 48 others, praying to have the pro-

ceeds of the sales of the swamp lands appropriated to the primary school fund.

Referred to the special committee on Swamp Lands.

REPORTS OF STANDING COMMITTEES.

Mr. Erskine, chairman of the commitee on Roads and Bridges, submitted the following:

The committee on roads and bridges to whom was referred

A bill to amend the session laws of 1857, relative to a state road,

Respectfully report, that they have had the same under consideration, and recommend that it do pass, and ask to be discharged.

Report accepted, committee discharged, and the bill placed on the order for third reading.

THIRD READING OF BILLS.

House bill, entitled

A bill to amend act 63 of the session laws of 1857, said act being an act to provide for laying out and establishing a State road in the counties of Sanilac and Tuscola,

Being under consideration,

On motion of Mr. House,

The rule was suspended requiring the second and third reading on different days, the bill read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays as follows:

YEAS.

Mr. Allen,	Mr. Goodman,	Mr. Mulholland,
Allman,	C. B. Goodrich,	Munger,
Ashmun,	Goodwin,	Muscott,
Bacon,	Gulley,	Nevins,
Blodgett,	Harvey,	Parkill,
Brooks,	High,	Porter,
Brown,	House,	Potter,
Brownell,	Hurd,	Schemerhorn,
Calhoun,	Jerome,	Sessions,
Chase,	Judd,	Simonson,
Clark,	Kanter,	Smith,
Cook,	Kellogg,	Stoddard,
Combes,	Kipp,	Sutton,
Crosby,	Leland,	Wade,
J. M. Davis,	Linderman,	Wendell,
W. Davis,	Ludlow,	Wetherbee,
Erskine,	McMahon,	Whitney,
Fargo,	Merrill,	Yerkes,
Germain,	Miller,	56

NAYS.

Mr. How, Mr. Mussey, Mr. Speaker, 3

Title agreed to.

On motion of Mr. House,

By a vote of two-thirds of all the members elect the bill was ordered to take immediate effect.

Mr. Goodwin moved that the bill which passed the House this forenoon, entitled a bill

A bill to amend an act entitled "an act to provide for assessing property at its true value, and for levying and collecting taxes thereon," approved February 14th, 1853, and an act amendatory thereto, approved February 12th, 1855,

Be ordered to take effect 30 days after its approval by the Governor.

On which motion Mr. Beecher called the yeas and nays, which were ordered.

Two-thirds of all the members elect not voting therefor, the bill was not ordered to take effect in 30 days after its approval by the Governor by yeas and nays as follows:

YEAS.

Mr. Allen,	Mr. Goodwin,	Mr. Mussey,	
Allman,	Gregory,	Nevins,	
Ashmun,	Harvey,	Parkill,	
Bacon,	Haze,	E. Perry,	
Beecher,	House,	Potter,	
Blodgett,	Ives,	Schemerhorn,	
Brown,	Jerome,	Sessions,	
Buckley,	Judd,	Simonson,	
Calhoun,	Kanter,	Smith,	
Clark,	Kellogg,	Stoddard,	
Combes,	Kipp,	Sutton,	
Crosby,	Leland,	Wade,	
W. Davis,	Merrill,	Wetherbee,	
Erskine,	Mulholland,	Whitney,	
Fargo,	Munger,	Yerkes,	
Germain,	Muscott,	Speaker,	49
Goodman,			

NAYS.

Mr. Bartlett,	Mr. C. B. Goodrich,	Mr. Ludlow,	
Brooks,	R. Goodrich,	Miller,	
Chase,	Gulley,	Monroe,	
Cook,	High,	Porter,	
J. M. Davis,	How,	Wendell,	
Dunbar,	Hurd,		17

Mr. Allen, chairman of the committee on Rivers and Harbors, reported as follows :

Your committee to whom was referred Joint Resolution of instruction to our Senators and Representatives in Congress, urging appropriations for harbor improvements, respectfully report that they have had the same under consideration, and return the same to the House with the following amendments, viz: add the following words, "Saginaw Bay, Monroe, Thunder Bay, Marquette, Ontonagon, Mackinaw and Cheboygan," recommend its passage, and ask to be discharged from the further consideration of the subject.

Report accepted and amendments concurred in.

The bill was then ordered to a third reading.

Mr. Bartlett, from the committee on Roads and Bridges, submitted the following:

The committee on Roads and Bridges, to whom was referred

A bill to amend an act to provide for laying out and establishing a certain State road in the counties of Midland, Isabella and Gratiot,

Would respectfully report that they have had the same under consideration and recommend that it do pass, and ask to be discharged from its further consideration.

Report accepted, and the bill ordered to a third reading.

Mr. Bartlett, from the committee on Roads and Bridges reported as follows;

The committee on Roads and Bridges, to whom was referred

A bill to amend an act entitled "an act to provide for the construction of a State road from Saginaw City, by way of St. Louis and Ithaca, in Gratiot county, to St. Johns, in Clinton county,

Would respectfully report that they have had the same under consideration and recommend its passage.

Report accepted and committee discharged, and the bill ordered to third reading.

Mr. Judd, chairman of the committee on Federal Relations, reported as follows:

The committee to whom was referred the joint resolution of instruction on slavery, respectfully beg leave to submit the following report:

Believing that a frequent recurrence to first principles on which our government is based, is both salutary to the representative and the constituent—and believing that the right of instruction which is one of the

most sacred to the people of this republic, has been grossly disregarded and outraged by the action of men in high places, the Legislature of the State of Michigan, feel it their duty to repeat those fundamental truths which they regard as essential to the existence of a free people and the prosperity of our free institutions.

The great *magna charta* of our rights, debated at the cannon's mouth, baptized in the blood of our forefathers, and established by the victorious struggles of a free people, declares the legitimate end of our government to be to secure to all men their "inalienable right to life, liberty, and the pursuit of happiness," and the sovereign power to ordain the organic law for such government, resides in the people. The only known method of giving expression to that will, both in the formation and administration of government, is through agents chosen in their primary meetings. A convention of representatives so chosen, constitutes the moral and political being of the State, and the organ through which she must unquestionably exercise the important functions of sovereignty. And the delegate, whether in convention to modify or embody the organic law, or whether in legislative assembly acting under that law, from the very nature of his trust, is bound to conform entirely and precisely to the wishes of those by whom he has been delegated, and no possible contingency of *constitutionality* or *expediency* can arise to justify such resistance. The presumption that he was chosen from the coincidence of opinion between himself and his constituents, will be esteemed a compliance. But when his constituents resort to instruction, their will becomes imperative—for their right to instruct arises from their right to choose an agent, and their right to choose another to do for them what they might do of themselves, belongs to their nature as moral, rational beings, and as free and intelligent agents.

The right of instruction, therefore, is inherent in the free citizen, and is inalienable as the right of petition, or the right of thought, or of speech—it is the elementary property of the representative principle itself—co-existing in the legislative functions of government—and is prior to and pre-supposed in the constitution itself. Nor is it a right subject to any restriction of time or question, nor can it be compromised by any circumstantial or collateral qualification that can be attached. The representative, therefore, has but one inquiry to make—he has but to determine the fact as to whether he has been instructed or not—whether

this or that party of his constituents, outnumbering the other, have established the fact of such majority, and whether such instructions are of their choice and support. He cannot inquire into their motives, or criticise the arguments on which such instructions are founded. He possesses no power to sit in judgment upon the views or intelligence of his constituents. Whatever the circumstances under which it may come, he is bound to regard their mandate as the result of dispassionate reason, as constitutional and just, and as requiring his implicit obedience. Resistance would not only be a breach of faith and duty, but rebellion to the supreme authority of the country. *Vox populi—vox Dei*—the voice of the people is the voice of God—it must and will prevail.

The rights of the representative, however, should not be disregarded. On the contrary, they should be held as sacred and inviolate as those imposed upon his observance. If he is not able to obey, or retract his previous course with honor—should the act required, in his judgment, be unconstitutional or unwise—should it involve on his part an act of moral wrong, he has the right to yield his commission, and give place to one who can execute the will of his constituents without crime. However strong or irresistable the will of his constituents, they have no power to force him to execute it; he may exercise his privilege at all times and retire from a station which he can no longer occupy with honor to himself, or subservience to the supreme power of his country.

These principles will apply to every phaze of the representative character. The Representative and the Senator in the State legislature—the Delegate in the constitutional convention—the representative and the Senator in the Congress of the United Staies, are all bound to obey, in the most explicit manner, the will of those by whom they are delegated, in whatever form, shape or circumstances that will may be expressed. The Senator of the United States, from the peculiar nature of his office, and the manner of his election, is bound to the people in their sovereign capacity as a State. Your committee would refer to the emphatic language of those who aided in the formation of the Federal Constitution: "The Senators represent the sovereignty of the States; in the other House, individuals are represented,"—"they are in the quality of ambassadors of the States,"—"they constitute the chief federal feature of the Constitution, and on them devolves the duty of defending the State

Governments from the encroachments of the Federal Government." Thus, from the nature of his office, he must be amenable to, and controlled by, the only organ through which that sovereignty is or can be exercised under the Constitution, namely: the State Legislature; and his relations to it partake of the nature of those of the representative to his constituents, and he is bound by all the representative obligations. A resistance to the Legislative will, is a resistance to the will of the people. By what rule, then, shall the conduct of that Senator be estimated, who, on two several occasions, has set at defiance the plainly expressed and solemnly declared will of that body from whom he has derived his powers.

Ours is not a government of responsibility without this restraint upon the Senator. Your committee ask attention to the peculiar relations which he occupies to the Federal Government itself. He occupies a position from which he can control the whole action of the legislative, judicial and executive departments of the Government. He belongs to a body which constitutes a branch of the Legislature. No bill, no resolution whatever can become a law without his concurrence—and no treaty can be ratified without his assent. The Senate constitutes a part of the Executive—no appointment to office can be made, no removal from office take place, no instructions to foreign ministers be given, without his previous knowledge and approbation. The Senator is empowered with high judicial functions—the Senate is constituted a court of impeachment to try all offences, bribery and corruption in public officers, and in no other manner can it be tried. He holds his seat for six years, and is eligible for life—belongs to a body perpetual in its existence, small in numbers, aristocratic in its features, and easily controlled by a spirit of faction or ambition. Thus, if the Senator, holding such a position, and possessing a wider range of duties and a longer term of office than the President himself, be above responsibility, then there need be no responsibilty elsewhere. If he alone, of all the administrators of our Government is amenable to no tribunal, and stands beyond the reach of his constituents, then the checks and balances of the Constitution are of no avail—all power will be concentrated in this one body alone. And the Senator, like the peer of England, will be left to represent himself alone—to consult his own private interests or personal ambition, and on the forms of this Representative Republic,

build up a Senatorial Dynasty, which shall control every department of government, bid defiance to the authority and rights of the States, and claim universal homage from this vast empire of freemen.

When, therefore, a Senator holding a high and influential office, from which he cannot be driven contrary to his own consent, shall assume an attitude of open defiance to his constituents, and sneeringly taunt them with being a "faction, temporarily in power," having the sole and petty design of driving him from his position—when he can so far forget himself and his duties as to insinuate that the Legislature of this State, assembled under solemn forms, have an object at heart so plainly unjust, which they are attempting to obtain by indirection—to declare in plain words "that instructions were given him without any expectation or view that he should yield obedience to them,"—"that the real and the only purpose of the instructions were to compel him to resign,"—"to instruct him out of his seat,"—we say, when a Senator indulges in expressions such as these, towards the Legislature from which he holds his appointment—to which he is responsible, and whose character he is at all times bound to defend—he not only evinces a feeling of haughtiness and arrogance, unbecoming the modest and dignified statesman, but he betrays a principle of hostility to the representative principle—a spirit of rebellion to constitutional restraints and popular supremacy, that ought not, cannot, and *will not* be tolerated by a free and enlightened people.

The undersigned therefore recommends the passage of the joint resolution.

ETHEL JUDD,

Chairman Committee on Federal Relations.

Also:

Mr. Brownell, from the committee on Federal Relations, submitted the following report:

The undersigned, a member of the committee on Federal Relations, begs leave to submit the following report:

That in his opinion it is beyond the power of the Legislature of any State, to instruct its Senators to cast a vote conflicting with the constitutional obligations of the State and their oath of office, and that no Senator ought to be governed by such unconstitutional instructions.

That the obligations of the members of this national confederacy are

mutual, and confined and limited by the Constitution of the United States. That all rights and institutions are sacred to each member of the confederacy and beyond the control of any other State, except where those rights have been conceded for national purposes.

That new States on entering the confederacy, come in upon equal footing with the original States.

That the great principle which underlies all Republican institutions is the *will of the people.*

That the true doctrine to be observed and required of and by the people of each State, and of each political community to become a State, is that each "shall be left perfectly free to form and regulate its domestic institutions in its own way, subject only to the Constitution of the United States."

That the doctrine of popular sovereignty in the people, and of non-intervention on the part of one political community with the affairs of another, is the doctrine upon which the fabric of this republic rests, and upon which it can only rest, and any attempt to abandon that foundation upon any specious pretext whatever, is fraught with danger, which no American would willingly incur.

The undersigned entertaining these views, believes that it would be a violation of plighted faith and constitutional obligation for the representatives of the sovereignty of one State, to instruct its representatives in the National Councils to interfere in the affairs of another political community: That under no circumstances would we submit to such dictation from any quarter, and to attempt the same interference in relation to others of equal independence, is a wrong which should receive no countenance from any citizen, who looks to his government as the model government of the world, and destined, if preserved in its purity, to work out such glorious results to mankind.

WM. BROWNELL,
One of Committee.

Report accepted and committee discharged.

Mr. Chase moved that the Joint Resolution be indefinitely postponed.

Lost.

Mr. Sherman moved that it be laid upon the table, and ordered printed.

Mr. Judd called for a division of the question.

The motion to table was lost.

The motion to print was also lost.

Mr. Sherman moved to postpone action upon the Joint Resolution until ten o'clock to-morrow.

Lost.

Mr. Judd moved that the rule be suspended, requiring the second and third reading on different days, and the Joint Resolution be read a third time and placed on its final passage.

On which motion he called the previous question.

Which was ordered.

And the joint resolution, entitled

A joint resolution of instruction respecting the extension of slavery.

Was read a third time and majority of all the members elect voting therefor, it passed, by yeas and nays as follows:

YEAS.

Mr.	Allen,	Mr.	C. B. Goodrich,	Mr.	Nevins,
	Allman,		R. Goodrich,		Parkill,
	Ashmun,		Goodwin,		E. Perry,
	Bacon,		Gregory,		G. D. Perry,
	Beecher,		Harvey,		Porter,
	Berry,		Haze,		Potter,
	Brooks,		House,		Schemerhorn,
	Brown,		Hurd,		Sessions,
	Buckley,		Ives,		Shaw,
	Calhoun,		Jerome,		Simonson,
	Caukin,		Judd,		Smith,
	Cook,		Kellogg,		Stoddard,
	Combes,		Kipp,		Sutton,
	Crosby,		Leland,		Wade,
	W. Davis,		Linderman,		Wetherbee,
	Erskine,		Monroe,		Whitney,
	Fargo,		Mulholland,		Yerkes,
	Germain,		Muscott,		Speaker,
	Goodman,		Mussey,		56

NAYS.

Mr.	Brownell,	Mr.	High,	Mr.	Miller,
	Chase,		How,		Munger,
	J. M. Davis,		Kanter,		Sherman,
	Dunbar,		Ludlow,		Wendell,
	Gulley,		Merrill,		14

Preamble adoped and title agreed to.

Mr. Kanter asked and obtained leave of absence for himself for the balance of the day.

THIRD READING OF BILLS.

On motion of Mr. Erskine,

The rule requiring the second and third reading of bills on different days, was suspended, and the several bills upon the order for third reading, were placed on their final passage.

House bill entitled

A bill to amend an act entitled an act to provide for the construction of a State road from Saginaw City, by way of St. Louis and Ithica in Gratiot county, to St. Johns in Clinton county,

Was read a third time, and a majority of all the members elect voting therefor, it was passed by yeas and nays, as follows:

YEAS.

Mr. Allen,	Mr. R. Goodrich,	Mr. Muscott,
Allman,	Gregory,	Mussey,
Ashmun,	Harvey,	Nevins,
Bacon,	Haze,	Parkill,
Bartlett,	House,	G. D. Perry,
Brooks,	Hurd,	Porter,
Brown,	Jerome,	Potter,
Brownell,	Judd,	Shemerhorn,
Buckley,	Kipp,	Sessions,
Cook,	Leland,	Simonson,
Combes,	Linderman,	Smith,
Crosby,	Ludlow,	Sutton,
W. Davis,	McMahon,	Wade,
Dunbar,	Merrill,	Wendell,
Erskine,	Miller,	Wetherbee,
Fargo,	Monroe,	Whitney,
Germain,	Mulholland,	Yerkes,
Goodman,	Munger,	Speaker,
C. B. Goodrich,		55.

NAYS.

Mr. High,	Mr. How,	2.

Title agreed to.

On motion of Mr. Schermerhorn,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

House bill entitled

A bill to amend an act to provide for the laying out and establishing a certain State road in the counties of Midland, Isabella and Gratiot,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Allen,	Mr. R. Goodrich,	Mr. Munger,
Allman,	Goodwin,	Muscott,
Ashmun,	Gregory,	Mussey,
Bacon,	Harvey,	Nevins,
Bartlett,	Haze,	Parkill,
Brooks,	House,	G. D. Perry,
Brown,	Hurd,	Porter,
Brownell,	Ives,	Potter,
Buckley,	Jerome,	Schemerhorn,
Calhoun,	Judd,	Sessions,
Caukin,	Kellogg,	Simonson,
Cook,	Kipp,	Smith,
Crosby,	Leland,	Stoddard,
W. Davis,	Linderman,	Sutton,
Dunbar,	Ludlow,	Wade,
Erskine,	McMahon,	Wetherbee,
Fargo,	Miller,	Whitney,
Germain,	Merrill,	Yerkes,
Goodman,	Monroe,	Speaker,
C. B. Goodrich,	Mulholland,	59

NAYS.

Mr. How, Mr. Wendell, 2

Title agreed to.

On motion of Mr. Ashmun,

By a vote of two-thirds of all the members elect the bill was ordered to take immediate effect.

Joint resolution entitled

A joint resolution to our Senators and Representatives in Congress urging appropriations for harbor improvements,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays as follows:

YEAS.

Mr. Allen,	Mr. Goodman,	Mr. Munger,
Allman,	C. B. Goodrich,	Muscott,
Ashmun,	R. Goodrich,	Mussey,
Bacon,	Goodwin,	Nevins,
Bartlett,	Gregory,	Parkill,
Blodgett,	Harvey,	E. Perry,
Brooks,	Haze,	G. D. Perry,
Brown,	House,	Porter,
Brownell,	How,	Potter,
Buckley,	Hurd,	Schermerhorn,
Calhoun,	Ives,	Sessions,
Caukin,	Jerome,	Shaw,

Chase,	Judd,	Simonson,	
Clark,	Kellogg,	Smith,	
Cook,	Kipp,	Stoddard,	
Combes,	Leland,	Sutton,	
Crosby,	Linderman,	Wade,	
W. Davis,	Ludlow,	Wendell,	
Dunbar,	Merrill,	Wetherbee,	
Erskine,	Miller,	Whitney,	
Fargo,	Monroe,	Yerkes,	
Germain,	Mulholland,	Speaker,	66

NAYS.

Mr. McMahon, 1

Preamble adopted and title agreed to.

By unanimous consent, the Speaker announced the following

MESSAGES FROM THE GOVERNOR:

EXECUTIVE OFFICE,
Lansing, February 1, 1858.

To the House of Representatives:

I have approved and filed in the office of the Secretary of State, the following entitled act:

A "Joint Resolution relative to the North Pacific Railroad."

KINSLEY S. BINGHAM.

EXECUTIVE OFFICE,
Lansing, February 1, 1858.

To the Legislature:

I submit herewith for your action the propriety of providing for State roads in the newer sections of the State.

Of organizing the village of Allegan.

Of authorizing the Board of Auditors of the county of Wayne to contract a loan to build a jail.

Of a law for Deputy Superintendent of Public Instruction.

Of extending the time for the completion of Railroads.

Of authorizing directors in the Detroit and Milwaukie Railway to vote by proxy.

Of the extension of the time for the completion of the improvement of the Muskegon River.

Of amending the charter of certain Plank Road companies running into the city of Detroit, so that the city may acquire possession within the corporate limits.

Of granting the right of way to the River Raisin & Grand River Railroad Company across the lands of the State.

Of amending the act organizing the township of Teal Lake in the county of Marquette.

KINSLEY S. BINGHAM.

That part of the message referring to State roads in the newer portions of the State, was referred to the committee on Roads and Bridges.

That part relative to organizing the village of Allegan, to the committee on Banks and Incorporations.

That part relating to building a jail in the county of Wayne, to the committee on Ways and Means.

That part relating to the Deputy Superintendent of Public Instruction, to the committee on Education.

That part relative to the completion of railroads, to the committee on Banks and Incorporation.

That part relating to the Detroit and Milwaukee Railway, to the committee on Banks and Incorporations.

That part relative to the Muskegon River, to the committee on Internal Improvements.

That part relative to certain plank road companies, to the committee on State Affairs.

That part relative to the township of Teal Lake, to the committee on Towns and Counties.

Mr. Goodwin moved that the House adjourn till 7 o'clock this evening.

Lost.

On motion of Mr. McMahon,

The House adjourned till 9 o'clock to-morrow morning.

Lansing, Tuesday, February 2, 1858.

House met at 9 o'clock pursuant to adjournment, and was called to order by the Speaker.

Roll called; quorum present.

Absent, Messrs. Hannah, McKnight, McKinley, O'Flynn and White.

REPORTS OF STANDING COMMITTEES.

Mr. Bartlett, from the committee on roads and bridges, submitted the following report:

The committee on roads and bridges having had under consideration

A bill to aid in the improvement of a certain State road,

Would respectfully report, that they have duly considered its provisions and recommend that it do pass, and asked to be discharged from its further consideration.

Report accepted, committee discharged and the bill ordered to a third reading.

Mr. Bartlett, from the committee on Roads and Bridges, reported as follows:

The committee on Roads and Bridges, having had under consideration

A bill to provide for laying out a State road from Saginaw to Cheboygan,

Would respectfully report that its passage is recommended by the committee, who wish to be discharged from its further consideration.

Report accepted and committee discharged.

The bill was read twice, and

On motion of Mr. Ashmun,

Placed on the order for third reading.

Mr. Ives, chairman of the committee on Engrossment and Enrollment, reported as follows:

The committee on Engrossment and Enrollment, report as correctly enrolled, signed and presented to the Governer,

A bill in regard to suits in Hampton township.

Report accepted.

Mr. Berry, chairman of the committee on Banks and Incorporations, submitted the following:

The committee on Banks and Incorporations, to whom was referred the special message of the Governor in relation to certain Railroads, beg leave respectfully, to report the following:

A bill granting to the River Raisin and Grand River Railroad Company the right of way over certain lands in this State,

And recommend its passage and ask to be discharged from the further consideration of the same.

Report accepted.

Bill read twice, and

On motion of Mr. Berry,

Placed on the order for third reading.

Mr. Berry, chairman of the committee on Banks and Incorporations, reported as follows:

The committee on Banks and Incorporations to whom was referred the special message of the Governor in relation to certain Railroads, beg leave respectfully to report the following:

A bill to amend an act entitled "an act disposing of certain grants of land made to the State of Michigan for Railroad purposes," by act of Congress, approved February 14th, A. D. 1857,

And recommend its passage and ask to be discharged from the further consideration of the subject.

Report accepted.

Bill read twice, and

On motion of Mr. Berry,

Placed on the order of third reading.

Mr. Berry also submitted the following report:

The committee on Banks and Incorporations to whom was referred the special message of the Governor in relation to certain Railroads, beg leave respectfully to report the following:

A bill to amend an act entitled an act to incorporate the Genesee and and Oakland Railroad Company,

And recommend its passage, and ask to be discharged from the further consideration of the same.

Report accepted.

Bill read twice, and

On motion of Mr. R. Goodrich,

Placed on the order for third reading.

Mr. Erskine, chairman of the committee on roads and bridges, submitted the following:

The committee on roads and bridges, to whom was referred

A bill to provide for laying out and establishing a State road in the county of Sanilac,

Respectfully report that they have had the same under consideration and recommend its passage and ask to be discharged.

Report accepted, and the bill ordered to a third reading.

Mr. Bartlett, from the committee on roads and bridges, reported as follows :

The committee on roads and bridges, to whom was referred the petition of James Whittemore and others, asking for a State road in the counties of Newaygo, Lake, Wexford and Grand Traverse,

Respectfully submit a bill, in accordance with the request of the petitioners, and recommend its passage and ask to be discharged.

Report accepted.

The bill read twice, and ordered to a third reading.

On motion of Mr. Porter,

The rules were suspended, and the several bills on the order for third reading, relating to railroads, were placed on their final passage.

House bill, entitled

A bill to amend an act entitled "an act disposing of certain grants of land made to the State of Michigan for railroad purposes, by act of Congress approved Jan. 3, 1856, approved Feb. 14, 1857.

Was read a third time, and passed a majority of all the members elect voting therefor, by yeas and nays as follows:

YEAS.

Mr.	Allman,	Mr.	Germain,	Mr.	Munger,
	Ashmun,		Goodman,		Mussey,
	Bacon,		C. B. Goodrich,		Nevins,
	Bartlett,		R. Goodrich,		Parkill,
	Beecher,		Goodwin,		E. Perry,
	Berry,		Gulley,		G. D. Perry,
	Brooks,		Harvey,		Porter,
	Brown,		House,		Potter,
	Buckley,		How,		Sessions,
	Caukin,		Hurd,		Shaw,
	Chase,		Jerome,		Simonson,
	Clark,		Judd,		Smith,
	Cook,		Kanter,		Stoddard,
	Combes,		Kellogg,		Sutton,
	Crosby,		Leland,		Wade,
	J. M. Davis,		Ludlow,		Wendell,
	W. Davis,		Merrill,		Wetherbee,
	Dunbar,		Miller,		Whitney,
	Fargo,		Monroe,		Speaker, 57

NAYS.

Mr.	Allen,	Mr.	Haze,	Mr.	Linderman,
	Brownell,		High,		Mulholland,

19

Calhoun,	Ives,	Muscott,	
Erskine,	Kipp,	Yerkes,	
Gregory,			13

Title agreed to.

On motion of Mr. Shaw,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

House bill being

A bill granting to the River Raisin and Grand River Railroad Company the right of way over certain lands belonging to the State,

Was read a third time, and two-thirds of all the members elect voting therefor, it was passed, by yeas and nays as follows:

YEAS.

Mr.	Allen,	Mr.	Goodman,	Mr.	Monroe,
	Allman,		C. B. Goodrich,		Mulholland,
	Ashmun,		R. Goodrich,		Mussey,
	Bacon,		Goodwin,		Muscott,
	Bartlett,		Gregory,		Nevins,
	Beecher,		Gulley,		Parkill,
	Berry,		Harvey,		E. Perry,
	Brooks,		Haze,		G. D. Perry,
	Brown,		High,		Potter,
	Buckley,		House,		Porter,
	Calhoun,		Hurd,		Schermerhorn,
	Caukin,		Ives,		Shaw,
	Clark,		Jerome,		Simonson,
	Cook,		Judd,		Smith,
	Combes,		Kanter,		Stoddard,
	Crosby,		Kellogg,		Sutton,
	J. M. Davis,		Leland,		Wade,
	W. Davis,		Linderman,		Wendell,
	Dunbar,		Ludlow,		Wetherbee,
	Fargo,		Merrill,		Whitney,
	Germain,		Miller,		Speaker, 63

NAYS.

Mr.	How,	Mr.	Kipp,	Mr.	Munger, 3

Pending which vote,

Mr. Kellogg moved a call of the House.

Lost.

The title of the bill was agreed to.

On motion of Mr. R. Goodrich,

The bill was ordered to take immediate effect.

House bill, entitled

A bill to amend an act entitled an act to incorporate the Genesee and Oakland Railroad Company,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays as follows:

YEAS.

Mr. Allen,	Mr. Goodwin,	Mr. Munger,
Allman,	Gregory,	Muscott,
Bartlett,	Gulley,	Nevins,
Beecher,	Harvey,	Parkill,
Berry,	Haze,	E. Perry,
Brooks,	House,	G. D. Perry,
Brown,	How,	Porter,
Brownell,	Hurd,	Potter,
Caukin,	Ives,	Schermerhorn,
Clark,	Jerome,	Sessions,
Cook,	Judd,	Shaw,
Combes,	Kanter,	Simonson,
Crosby,	Kipp,	Smith,
J. M. Davis,	Leland,	Stoddard,
W. Davis,	Linderman,	Sutton,
Erskine,	Ludlow,	Wade,
Fargo,	Merrill,	Wendell,
Germain,	Miller,	Wetherbee,
C. B. Goodrich,	Monroe,	Whitney,
R. Goodrich,		58.

NAYS.

Mr. Ashmun,	Mr. Chase,	Mr. Mussey,
Blodgett,	Dunbar,	Yerkes,
Buckley,	Goodman,	Speaker,
Calhoun,	Mulholland,	11.

Title agreed to.

Mr. R. Goodrich moved that the bill take immediate effect.

Lost.

On motion of Mr. Beecher,

By a vote of two-thirds of all the members elect the bill was ordered to take effect 30 days after its passage.

Mr. R. Goodrich moved to reconsider the vote whereby the title was agreed to.

Adopted.

Mr. R. Goodrich offered the following as a substitute for the title.

"A bill for the relief of the Genesee and Oakland Railroad Company."

Adopted.

The title, as substituted, was then agreed to.

Mr. Ives submitted the following:

The committee on Internal Improvements, respectfully beg leave to introduce the enclosed bill, being

A bill to amend section 6, of act No. 147, of the session laws of 1857.

And recommend that the same be passed by the House.

Report accepted, and committee discharged.

The bill was read a first and second time and placed on the order of third reading.

REPORTS OF SPECIAL COMMITTEES.

Mr. Shaw, chairman of the special committee of conference with the Senate, in relation to the appropriation bill, reported as follows:

Your committee of conference, to whom was referred the subject of non-concurrence between this House and the Senate, in relation to the disagreement existing between the two Houses of the Legislature, in relation to pay of firemen, in the bill to provide for the payment of the members and officers of the extra session, respectfully report that they have met a like committee appointed by the Senate, and have agreed to recommend the following amendment to said bill:

Strike out all in relation to pay of firemen, directly in said act in section 2, and insert the following:

The compensation to the Senate to pay their firemen shall be three dollars per day, during the session. The compensation to the House of Representatives to pay their firemen shall be four dollars per day during the session.

Your committee have, in view of the circumstancee of the case, thus made the appropriations directly to the House and the Senate, for each to pay their firemen as they shall see proper, amount in the House not to exceed four dollars per day, the Senate not to exceed three dollars per day. All of which is respectfully submitted.

The following are the amendments reported by the committee:

Amend the 13th, 14th and 15th lines of section 2, as follows:

The compensation to the Senate to pay their firemen shall be three dollars per day, during the session. The compensation to the House of Representatives to pay their firemen shall be four dollars per day, during the session.

Report accepted.

The question being on concurring in the amendment.

Mr. Mussey called for the yeas and nays, which were ordered, and the House concurred therein by the following vote:

YEAS.

Mr.	Allman,	Mr.	Fargo,	Mr.	Merrill,
	Ashmun,		C. B. Goodrich,		Monroe,
	Bartlett,		Gregory,		Munger,
	Blodgett,		Gulley,		Parkill,
	Brooks,		Harvey,		Porter,
	Brown,		Haze,		Shaw,
	Buckley,		House,		Smith,
	Calhoun,		Jerome,		Sutton,
	Caukin,		Kanter,		Wendell,
	Chase,		Kellogg,		Wetherbee,
	Combes,		Linderman,		Whitney,
	J. M. Davis,		Ludlow,		Yerkes,
	W. Davis,				37

NAYS.

Mr.	Allen,	Mr.	High,	Mr.	Mussey,
	Bacon,		How,		Nevins,
	Beecher,		Hurd,		Potter,
	Brown,		Ives,		Schemerhorn,
	Cook,		Judd,		Simonson,
	Crosby,		Kipp,		Stoddard,
	Dunbar,		Leland,		Wade,
	Germain,		Mulholland,		Speaker, 26
	Goodman,		Muscott,		

The Speaker by consent, announced the following

MESSAGE FROM THE GOVERNOR.

EXECUTIVE OFFICE
Lansing, February 2d, 1858.

To the Legislature:

I transmit herewith a communication from the Attorney General, to which I respectfully invite your attention.

KINSLEY S. BINGHAM.

The communication of the Attorney General was referred to the Judiciary committee, and entered upon the journal, as follows:

ATTORNEY GENERAL'S OFFICE,
Lansing February 1, 1858.

SIR—I feel it my duty to call your attention to what I regard as a pressing necessity in the administration of the penal laws of the State.

My official as well as professional observations and experience have long since convinced me that one great cause of the immunity and escape of offenders is to be found in the small compensation which the law provides for those officers whose duty it is to watch over and preserve the public peace, and to bring offenders to justice. Indeed, the statutes provide no compensation for sheriffs, constables or other ministerial officers beyond their mere fees for travelling, serving, and returning process; and allow them absolutely nothing for searching out the guilty, or exercising the slightest vigilance in that respect. And when to this inconvenience we add the still greater one that by the present constitution, (art. 13, sec. 12,) all inducement to inform against a criminal, however flagrant the crime, is taken away, and the legislature itself is disabled from rewarding the labors of the *detector* with a share of the fine or the forfeiture, it is easy to see how it has come to pass that crime, particularly the crime of counterfeiting and others of kindred character, are greatly on the increase in the State. The task of detection is always sufficiently unwelcome, and if unrequited, it cannot be supposed that it will be attended with that alacrity and energy which the peace and security of the community require.

There are facts within my knowledge, at present, which would render these reflections still more obvious, but time will not allow me to be more particular. It is proper to add, however, that I am not aware of any provision having been made by the Supervisors of any of the counties, for a fund to be used as a means of detection and suppression; if indeed the statutes give them any such authority. I venture, therefore to suggest to your Excellency, the propriety of calling the attention of the legislature to the subject.

I have the honor to be,

Your ob't serv't

J. M. HOWARD.

To the Governor.

The Speaker announced the following messages from the Senate:

SENATE CHAMBER,
Lansing, February 1, 1858.

To the Hon. the Speaker of the House of Representatives:

SIR—I am instructed to inform the House, that the Senate have appointed Senators Conger, Wilcox, Borwn, Trowbridge and Bills, a com-

mittee to confer with a committee on the part of the House, relative to a disagreement of the two Houses, on House Bill, No. 3, being

A bill to provide for the sale of the swamp lands and the reclamation thereof, and to secure the pre-emptions claims of settlers thereon.

Very respectfully,

Your obedient servant,

ISAAC W. WILDER,

Secretary of the Senate.

SENATE CHAMBER,
Lansing, February 1, 1858.

To the Speaker of the House of Representatives:

SIR:—I am instructed by the Senate to return to the House,

A bill to amend an act entitled "an act to provide for laying out, establishing and improving a State road in Clinton, Gratiot, Shiawassee, Saginaw, and Genesee counties, approved February 17, 1857."

Also,

A bill to repeal act number 145 of the session laws of 1857, being an act to provide for laying out and establishing a State road in the counties of St. Clair, Sanilac and Tuscola,

Also,

An act to amend an act entitled an act to reorganize the county of Emmett, approved February 18, 1855.

Also,

A bill to authorize the District Judge of the Upper Peninsula to convey lands held in trust in the town site of Ontonagon, in the county of Ontonagon,

Also,

Joint resolution relative to the indebtedness of the county of Washtenaw to the State,

In the passage of which the Senate have concurred by a majority vote of all the Senators elect, and ordered same to take immediate effect by a vote of two-thirds of all said Senators.

Very Respectfully,

I. W. WILDER,

Secretary of the Senate.

The House concurred in ordering

An act authorizing the District Judge of the Upper Peninsula to con-

vey lands held in trust in the village of Ontonagon, in the county of Ontonagon,

To take immediate effect, by a vote of two-thirds of all the members elect.

The several bills were then referred to committee on Enrollment and Engrossment.

SENATE CHAMBER,
Lansing, February 1, 1858.

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to transmit to the House,

A bill to amend an act entitled "an act to incorporate the village of Allegan, approved March 2, A. D. 1838, and to repeal an act amendatory thereto, approved April 28, 1856."

Also,

A bill to amend an act entitled "an act disposing of certain grants of land made to the State of Michigan for Railroad purposes, by act of Congress, approved June 3, 1856," approved February 14, 1857.

Also,

A bill to enlarge the boundaries of the township of Teal Lake, in Marquette county.

Also,

A bill to authorize the Directors of the Detroit and Milwaukee Railway Company to vote by proxy.

All of which the Senate have passed, the first three by a majority vote, and the last named by a two-thirds vote of all the Senators elect, and all of which were ordered to take immediate effect by a vote of two-thirds of all said Senators, and in which the concurrence of the House is respectfully asked.

Very Respectfully,

ISAAC W. WILDER,
Secretary of the Senate.

The first named bill was read twice and referred to the committee on banks and incorporations.

The second named bill was read twice and referred to the committee on banks and incorporations.

The third named bill was read twice and referred to the committee on towns and counties.

The fourth named bill was read twice, and,

On motion of Mr. Porter,

The rules were suspended and the bill placed on its final passage.

Whereupon Senate bill, entitled

A bill to authorize the directors of the Detroit and Milwaukee Railway to vote by proxy,

Was read a third time, and a majority of all the members elect voting therefor, it passed, by yeas and nays, as follows:

YEAS.

Mr. Allen,	Mr. Germain,	Mr. Miller,
Allman,	Goodman,	Monroe,
Ashmun,	C. B. Goodrich,	Mulholland,
Bacon,	R. Goodrich,	Munger,
Bartlett,	Gregory,	Muscott,
Beecher,	Gulley,	Mussey,
Berry,	Harvey,	Nevins,
Blodgett,	Haze,	Parkill,
Brooks,	House,	G. D. Perry,
Brown,	How,	Porter,
Buckley,	Hurd,	Po' er,
Calhoun,	Jerome,	Schemerhorn,
Chase,	Judd,	Shaw,
Cook,	Kanter,	Simonson,
Combes,	Kellogg,	Smith,
Crosby,	Kipp,	Wade,
J. M. Davis,	Leland,	Wendell,
W. Davis,	Linderman,	Wetherbee,
Dunbar,	Ludlow,	Yerkes,
Fargo,	Merrill,	Speaker, 60

NAYS.

Mr. High, Mr. Ives, 2

Title agreed to.

On motion of Mr. Porter,

By a vote of two-thirds of all the members elect the bill was ordered to take immediate effect.

Mr. Gregory, by unanimous consent, leave being granted, introduced a

Joint Resolution relative to the distribution of the Session Laws, Journals and Documents of the Legislature for the year 1858.

On motion of Mr. Sherman,

The rule was suspended requiring the second and third reading on different days, and the joint resolution placed on its final passage,

Whereupon, joint resolution entitled,

A Joint Resolution relative to the distribution of the Session Laws, Journals and Documents of the Legislature for the year eighteen hundred and fifty-eight,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays as follows:

YEAS.

Mr. Allen,	Mr. Goodman,	Mr. Mulholland,
Allman,	C. B. Goodrich,	Munger,
Ashmun,	R. Goodrich,	Mussey,
Bacon,	Gregory,	Nevins,
Bartlett,	Gulley,	Parkill,
Berry,	Harvey,	G. D. Perry,
Blodgett,	Haze,	Porter,
Brooks,	High,	Potter,
Brown,	House,	Schemerhorn,
Brownell,	How,	Sherman,
Buckley,	Ives,	Simonson,
Calhoun,	Judd,	Smith,
Cook,	Kanter,	Stoddard,
Combes,	Kellogg,	Wade,
Crosby,	Kipp,	Wetherbee,
W. Davis,	Leland,	Whitney,
Dunbar,	Linderman,	Yerkes,
Fargo,	Merrill,	Speaker,
Germain,	Miller,	57

NAYS. 0

Title agreed to,

And the joint resolution ordered to take immediate effect.

Mr. Gregory, by unanimous consent, leave being granted, introduced a

Joint resolution providing for the distribution of highway laws to certain township officers.

On motion of Mr. Schermerhorn,

The rule was suspended requiring the second and third reading on different days, and the joint resolution placed on its final passage.

Whereupon joint resolution, entitled

Joint resolution providing for the distribution of highway laws to certain township officers,

Was read a third time, and a majority of all the members elect voting therefor, it passed, by yeas and nays, as follows:

YEAS.

Mr. Allen,	Mr. Goodman,	Mr. Monroe,
Ashmun,	Gulley,	Mulholland,

Bacon,	Harvey,	Munger,
Bartlett,	Haze,	Mussey,
Beecher,	C. B. Goodrich,	Nevins,
Berry,	Gregory,	Parkill,
Blodgett,	Harvey,	G. D. Perry.
Brooks,	Haze,	Porter,
Brown,	High,	Potter,
Brownell,	House,	Schemerhorn,
Buckley,	How,	Shaw,
Chase,	Hurd,	Sherman,
Cook,	Ives,	Smith,
Combes,	Jerome,	Wade,
Crosby,	Kellogg,	Wetherbee,
J. M. Davis,	Kipp,	Whitney,
W. Davis,	Linderman,	Yerkes,
Fargo,	Ludlow,	Speaker,
Germain,	Merrill,	55

NAYS. 0

Title agreed to.

The joint resolution ordered to take immediate effect.

Mr. Mussey, chairman of the committee on Towns and Counties, reported as follows:

The committee on Towns and Counties, to whom was referred so much of the Governor's special message of Feb. 1, as relates to the enlargement of the boundaries of Teal Lake, and Senate bill relative to the same subject, respectfully report that they have had the same under consideration, and report the same back to the House, and recommend that said bill do pass, and ask to be discharged from the further consideration of the same.

Report accepted, committee discharged, and bill placed upon the order for third reading.

Mr. Berry, chairman of the committee on Banks and Incorporations, submitted the following:

The committee on Banks and Incorporations, to whom was referred,

A bill to amend an act entitled "an act to incorporate the village of Allegan, approved March 20, 1838," and to repeal an act amendatory thereto, approved April 28, 1846.

Beg leave respectfully to report that they have considered the bill, and recommend its passage, and asked to be discharged from its further consideration.

Report accepted, and the bill ordered to a third reading.

MOTIONS, RESOLUTIONS AND NOTICES.

Mr. Erskine offered the following:

Whereas The county of Huron now contains a population of nearly 6,000 inhabitants, and,

Whereas, between four and five hundred of the inhabitants of said county have, by petition to this Legislature, asked for an organization of said county, and,

Whereas, The inhabitants of said county now suffer great inconvenience in their judicial affairs, in consequence of the unorganized condition of said coutny, therefore

Resolved, That His Excellency the Governor be respectfully requested to recommend the organization of said county.

Which were adopted.

Mr. Kanter offered the following:

Moved to add to the regular standing committees of this House, a committee on investigation of State affairs, whose duty it shall be at the commencement of every session of the Legislature, to investigate and examine into the affairs of this State, for the two years preceding each session, to compare the official reports of the State Officers with the books of the different State Departments, to have full power and authority to examine books and papers and examine persons under oath, and to report to this House the result of their investigations at least ten days before their adjournment.

On motion of Mr. Ashmun,

The same was postponed indefinitely.

THIRD READING OF BILLS.

On motion of Mr. Mussey,

The rule was suspended requiring the second and third reading of bills on different days, and the several bills on the order for that reading were placed on their final passage.

Senate bill entitled

A bill to enlarge the boundaries of the township of Teal Lake, in Marquette county,

Was read a third time, and a majority of all the members elect voting therefor, it passed, by yeas and nays, as follows:

YEAS.

Mr. Allen,	Fargo,	Mr. Monroe,		
Allman,	Germain,	Mulholland,		
Ashmun,	Goodman,	Munger,		
Bacon,	R. Goodrich,	Muscott,		
Bartlett,	C. B. Goodrich,	Mussey,		
Beecher,	Gregory,	Nevins,		
Berry,	Harvey,	Parkill,		
Blodgett,	Haze,	G. D. Perry,		
Brooks,	High	Porter,		
Brown,	House,	Schermerhorn,		
Brownell,	How,	Shaw,		
Buckley,	Hurd,	Simonson,		
Calhoun,	Jerome,	Smith,		
Cook,	Kanter,	Stoddard,		
Combes,	Kipp,	Wade,		
Crmbes,	Leland,	Wendell,		
J. M. Davis,	Linderman,	Wetherbee,		
W. Davis,	Ludlow,	Whitney,		
Dunbar,	Merrill,	Yerkes,		
Erskine,	Miller,	Speaker,		60

NAYS. 0

Title agreed to.

On motion of Mr. Mussey,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

Senate bill, entitled

A bill to amend an act entitled an act to incorporate the village of Allegan, approved March 20th, A. D. 1838, and to repeal an act amendatory thereto, approved April 28th, A. D., 1846.

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Allen,	Mr. G. B. Goodrich,	Mr. Merrill,	
Allman,	R. Goodrich,	Mulholland,	
Ashmun,	Gregory,	Muscott,	
Bacon,	Gulley,	Mussey,	
Bartlett,	Haze,	Nevins,	
Beecher,	House,	Parkill,	
Berry,	How,	G. D. Perry,	
Blodgett,	Hurd,	Potter,	
Brooks,	Jerome,	Porter,	
Brown,	Judd,	Shaw,	
Buckley,	Kanter,	Simonson,	
Calhoun,	Kellogg,	Smith,	

Combes, Kipp, Wade,
J. M. Davis, Leland, Wendell,
W. Davis, Linderman, Wetnerbee,
Fargo, Ludlow, Whitney,
Germain, Miller, Yerkes,
Goodman, 52

NAYS.

Mr Cook, 1

Title agreed to.

On motion of Mr. Mussey,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

House bill, entitled

A bill to provide for laying out a State road from Saginaw to Cheboygan in the county of Cheboygan.

Was read a third time, and a majority of all the members elect voting therefor, it passed, by yeas and nays, as follows:

YEAS.

Mr. Allen, Mr. Goodman, Mr. Merrill,
Mr. Allman, C. B. Goodrich, Miller,
Ashmun, R. Goodrich, Monroe,
Bacon, Gulley, Muscott,
Bartlett, Harvey, Nevins,
Beecher, Haze, Parkill,
Berry, High, G. D. Perry,
Blodgett, House, Porter,
Brooks, How, Potter,
Brown, Hurd, Schemerhorn,
Buckley, Ives, Shaw,
Calhoun, Jerome, Simonson,
Combes, Judd, Smith,
Crosby, Kanter, Sutton,
J. M. Davis, Kellogg, Wade,
W. Davis, Kipp, Wendell,
Dunbar, Leland, Wetherbee,
Erskine, Linderman, Whitney,
Fargo, Ludlow, Yerkes,
Germain, 58

NAYS. 0

Title agreed to.

On motion of Mr. Wendell,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

House bill entitled,

A bill to aid in the improvement of a certain State road,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Allman,	Mr. R. Goodrich,	Mr. Monroe,
Ashmun,	Goodwin,	Mulholland,
Bacon,	Gulley,	Munger,
Bartlett,	Harvey,	Muscott,
Beecher,	Haze,	Nevins,
Berry,	High,	Parkill,
Blodgett,	House,	G. D. Perry,
Brooks,	Hurd,	Porter,
Brown,	Ives,	Potter,
Calhoun,	Jerome,	Schemerhorn,
Cook,	Judd,	Sessions,
Combes,	Kanter,	Shaw,
Crosby,	Kellogg,	Smith,
J. M. Davis,	Kipp,	Sutton,
W. Davis,	Leland,	Wade,
Erskine,	Linderman,	Wetherbee,
Fargo,	Merrill,	Yeakes,
Goodman,	Miller,	53

NAYS.

Mr. Dunbar,	Mr. How,	Mr. Wendell,	3

Title agreed to.

On motion of Mr. Bartlett,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

House bill, entitled,

A bill to amend section 6 of article No. 147, of the session laws of 1857.

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays as follows:

YEAS.

Mr. Allen,	Mr. C. B. Goodrich,	Mr. Mulholland,
Allman,	Gregory,	Munger,
Ashmun,	Gulley,	Muscott,
Bacon,	Haze,	Mussey,
Bartlett,	High,	Nevins,
Beecher,	House,	Parkill,
Brooks,	Hurd,	E. Perry,
Brown,	Ives,	G. D. Perry,

Calhoun,	Jerome,	Porter,
Caukin,	Judd,	Potter,
Chase,	Kanter,	Sessions,
Combes,	Kellogg,	Shaw,
J. M. Davis,	Kipp,	Sherman,
W. Davis,	Leland,	Smith,
Dunbar,	Linderman,	Wade,
Erskine,	Ludlow,	Wendell,
Fargo,	Merrill,	Wetherbee,
Germain,	Miller.	Yerkes,
Goodman,	Monroe,	56

NAYS.

Mr. Buckley, 1

Title agreed to.

House bill, entitled

A bill to provide for the laying out and establishing a State road through the counties of Newaygo, Lake, Wexford and Grand Traverse,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays as follows:

YEAS.

Mr. Allman,	Mr. Fargo,	Mr. Merrill.
Ashman,	Goodman,	Miller,
Bacon,	C. B. Goodrich,	Monroe,
Bartlett,	Gregory,	Mulholland,
Beecher,	Gulley,	Muscott,
Berry,	Haze,	Parkill,
Blodgett,	High,	E. Perry,
Brown,	House,	G. D. Perry,
Brooks,	Ives,	Porter,
Calhoun,	Jerome,	Schemerhorn,
Cook,	Judd,	Sessions,
Combes,	Kellogg,	Shaw,
Crosby,	Kipp,	Smith,
J. M. Davis,	Leland,	Wade,
W. Davis,	Linderman,	Wetherbee,
Dunbar,	Ludlow,	Yerkes,
Erskine,		49

NAYS. 0

Title agreed to.

On motion of Mr. Brooks,

By a vote of two-thirds of the members elect, the bill was ordered to take immediate effect.

House bill entitled

A bill to provide for laying out and establishing a State road in the county of Sanilac,

Was read a third time, and a majority of all the members elect voting therefor, it passed, by yeas and nays, as follows:

YEAS.

Mr. Allen,	Mr. Erskine,	Mr. Linderman,
Allmon,	Fargo,	Merill,
Ashmun,	Germain,	Miller,
Bartlett,	Goodman,	Mutholland,
Beecher,	C. B. Goodrich,	Munger,
Blodgett,	Gregory,	Muscott,
Brooks,	Gulley,	Nevins,
Brown,	Harvey,	Parkill,
Brownell,	Haze,	G. D. Perry,
Buckley,	High,	Porter,
Calhoun,	Hurd,	Sessions,
Caukin,	Ives,	Shaw,
Cook,	Jerome,	Simonson,
Crosby,	Judd,	Smith,
J. M. Davis,	Kellogg,	Wendell,
W. Davis,	Kipp,	Wetherbee,
Dunbar,	Leland,	Yerkes, 53

NAYS. 0

Title agreed to.

On motion of Mr. Erskine,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

Mr. Shaw, by unanimous consent, submitted the following report:

Your committee to whom was referred that portion of the Governor's special message in relation to the more effectual prevention and punishment of crime, with the communication from the Attorney Genarel, respectfully report by bill herewith presented, which bill it is recommended do pass, and that your committee be discharged from the further consideration of the same.

Report accepted.

On motion of Mr. Shaw,

The bill was ordered to a third reading.

By unanimous consent, Mr. McMahon, from the Committe of conference on the differencese of the two Houses upon the swamp land bill submitted the following:

The committee of conference appointed by the House to confer with

a like committee on the part of the Senate, to confer together respeiting the swamp lands,

Respectfully report that they have performed that duty, and the majority of that joint committee have instructed their Chairman to report back to the Senate House bill No. 3, being

A bill to provide for the sale of the swamp lands and the reclamation thereof, and to secure the pre-emption claims of actual settlers thereon,

With sundry amendments, and ask the concurrence of both Houses therein.

Report accepted.

Committee discharged and report laid on the table.

On motion of Mr. Schermerhorn,

The House adjourned till 2 o'clock this afternoon.

AFTERNOON SESSION.

2 o'clock P. M.

House met pursuant to adjournment, and was called to order by the Speaker.

Roll called; quorum present.

PETITIONS PRESENTED.

By Mr. Ashmun: petition of B. L. Hill and 35 others, citizens of Saginaw and Midland counties, praying for a State road; also, petition of Francis Harris and 62 others, citizens of Saginaw county, praying for an act to establish a draw or swing bridge over Black river.

Both of which were referred to the committee on Roads and Bridges.

By Mr. Erskine: petition of John Brenton and others, praying that the swamp lands may be disposed of and the proceeds applied for ditching and draining.

Referred to the special committee on swamp land.

REPORTS OF STANDING COMMITTEES.

Mr. Whitney, from the committee on education, submitted the following:

The committee on education, to whom was referred that part of the Governor's message relative to the appointment of a Deputy, or such

other aid as may be necessary for the Superintendent of Public Instruction, ask leave to report a bill entitled

A bill authorizing the Superintendent of Public Instruction to appoint a Deputy.

Report accepted, committee discharged and the bill ordered to a third reading.

Mr. Monroe moved that the rule be suspended and the bill be placed on its final passage.

Lost.

Mr. R. Gooderich moved to recommit the bill with instructions to strike out "seven hundred" and insert "six hundred.'

Mr. Simonson moved to amend by inserting "five hundred,"

Lost.

The original motion was then adopted.

The Speaker announced the following

MESSAGES FROM THE SENATE:

SENATE CHAMBER,
Lansing, February 2, 1858.

To the Speaker of the House of Representatives:

SIR—I am instructed to inform the House, that the Senate this day adopted the following resolution:

Resolved, (The House concurring,) That the Legislature of Michigan, now in session, adjourn, *sine die*, on Wednesday, the 3d day of February, instant, at twelve o'clock, noon.

And respectfully ask the concurrence of the House therein.

Very Respectfully,
Your ob't servant,
I. W. WILDER,
Secretary of the Senate.

Mr. Schemerhorn moved that the House concur in the above resolution.

Withdrawn.

Mr. Chase renewed the motion.

On motion of Mr. McMahon,

The concurrent resolution was laid upon the table.

SENATE CHAMBER,
Lansing, Feb. 2, 1858.

To the Speaker of the House of Representatives :

SIR—I am instructed to transmit to the House,

A bill to amend an act entitled "an act to incorporate the Genesee and Oakland Railroad Company,"

Which the Senate have passed by a majority vote of all the Senators elect, in all of which the concurrence of the House is respectfully asked.

Very respectfully,
ISAAC W. WILDER.
Secretary of the Senate.

On motion of Mr. Mussey,

The bill was laid on the table.

SENATE CHAMBER,
Lansing, Feb. 2, 1858.

To the Speaker of the House of Representatives :

SIR—I am instructed to return to the House the following bills:

A bill to amend an act entitled an act to provide for the construction of a State road from Saginaw City, by way of St. Louis and Ithica, in Gratiot county, to St. Johns in Clinton county; also,

A bill to amend an act to provide for laying out and establishing a certain State road in the counties of Midland, Isabella and Gratiot; also,

A bill to amend act number sixty-three of the session laws of 1857; said act being an act to provide for laying out and establishing a State road in the counties of Sanilac and Tuscola; also,

A bill to amend an act entitled an "act to incorporate the Genessee and Oakland Railroad Company;" also,

A bill to amend an act entitled "an act disposing of certain grants of land made to the State of Michigan for railroad purposes, by act of Congress approved June 3, 1856, approved Feb. 14, 1857; also,

A bill granting to the River Raisin & Grand River Railroad Company the right of way over certain lands of this State.

In the passage of the 1st, 2d, 3d, 5th and 6th, the Senate have concurred by a majority vote of all the Senators elect, and ordered to to take immediate effect by a vote of two-thirds of said Senators, and in the passage of the 4th named the Senate have concurred by a vote

of two-thirds of all said Senators, and ordered same to take effect in 30 days after approval by the Governor, by a like vote.

Very respectfully,
Your obedient servant,
ISAAC W. WILDER,
Secretary of the Senate.

The several bills were referred to the committee on Enrollment and Engrossment.

MOTIONS, RESOLUTIONS AND NOTICES.

Mr. Gregory offered the following:

Resolved, That the Clerk of this House be authorized and he is hereby directed to compile and prepare for publication, make indexes, and superintend the publication of the journals and documents of the House for the present session of this Legislature, said journal and documents to be published in one volume, and as soon as practicable, and when such services are duly rendered and certified by the Secretary of State, the said Clerk shall be entitled to receive therefor the sum of one hundred dollars.

Adopted.

Mr. Whitney, chairman of the committee on Education, by unanimous consent, reported as follows:

The committee on Education, to whom was recommitted

A bill authorizing the Superintendent of Public Instruction to employ a deputy,

Report that they have performed the duty and recommend the passage of the same.

Report accepted and committee discharged.

On motion of Mr. Morrison,

The rule was suspended, and the bill placed on the order of third reading.

On motion of Mr. Monroe,

The rule was suspended requiring the second and third readings on different days, and the bills on the order for third reading were placed on their final passage.

House bill entitled

A bill for the more effectual prevention and punishment of crime,

Was read a third time, and a majority of all the members elect not voting therefor, it was not passed, by yeas and nays, as follows:

YEAS.

Mr.	Allen,	Mr.	Combes,	Mr.	Mulholland,
	Allman,		Fargo,		E. Perry,
	Bacon,		C. B. Goodrich,		Porter,
	Bartlett,		Linderman,		Sessions,
	Beecher,		McMahon,		Shaw,
	Blodgett,		Merrill,		Smith,
	Brown,		Monroe,		Whitney,
	Cook,				22

NAYS.

Mr.	Ashmun,	Mr.	High,	Mr.	Nevins,
	Calhoun,		How,		Parkill,
	Crosby,		Hurd,		Potter,
	J. M. Davis,		Ives,		Sherman,
	W. Davis,		Kanter,		Simonson,
	Dunbar,		Kellogg,		Stoddard,
	Erskine,		Kipp,		Sutton,
	Germain,		Leland,		Wendell,
	Goodman,		Miller,		Wetherbee,
	Gregory,		Munger,		Yerkes,
	Gulley,		Muscott,		Speaker,
	Haze,		Mussey,		35

House bill entitled

A bill authorizing the Superintendent of Public Instruction to appoint a Deputy,

Was then read a third time, and a majority of all the members elect not voting therefor, it was not passed by yeas and nays as follows:

YEAS.

Mr.	Allman,	Mr.	Goodman,	Mr.	Monroe,
	Ashmun,		C. B. Goodrich,		Muscott,
	Bacon,		R. Goodrich,		Parkill,
	Bartlett,		Goodwin,		E. Perry,
	Beecher,		Gregory,		G. D. Perry,
	Berry,		Harvey,		Porter,
	Brown,		Haze,		Potter,
	Caukin,		Hurd,		Sessions,
	Cook,		Judd,		Shaw,
	Combes,		Kellogg,		Stoddard,
	Crosby,		Leland,		Wade,
	Enos,		Linderman,		Wetherbee,
	Fargo,		McMahon,		
	Germain,		Merrill,		40

NAYS.

Mr. Allen,	Mr. High,	Mr. Munger,	
Blodgett,	How,	Nevins,	
Calhoun,	Ives,	Sherman,	
W. Davis,	Kanter,	Simonson,	
J. M. Davis,	Kipp,	Smith,	
Dunbar,	Ludlow,	Wendell,	
Erskine,	Miller,	Yerkes,	
Gulley,	Mulholland,	Speaker,	24

Pending the announcement of the vote,

Mr. Ashmun moved a call of the House.

Adopted.

The Clerk called the roll.

Absent without leave, Messrs. Brownell, Brooks, Buckley, Chase and Jerome.

On motion of Mr. Kanter,

The Sergeant-at-Arms was dispatched after the absentees.

Pending which motion,

Mr. Schermerhorn moved that further proceedings under the call be dispensed with.

Lost.

The original motion was adopted.

Mr. Judd moved that the absentees, when they appear, be permitted to enter within the bar of the House, and severally render their excuses for absence.

Adopted.

Mr. Beecher moved that further proceedings under the call be dispensed with.

Lost.

Mr. Brownell appeared within the bar, and rendered his excuse for absence,

Which was accepted by the House.

Mr. Beecher moved re-consider the vote by which the absentees were permitted to appear at the bar of the House and render their excuse.

Lost.

Mr. Beecher moved that further proceedings under the call be dispensed with.

Lost.

Mr. Judd moved that further proceedings under the call be dispensed

with, and that the absentees when they appear at the bar, be permitted to render their excuse.

Mr. Sherman called for a division of the question.

The question being on dispensing with further proceedings under the call, the same prevailed.

The Speaker announced the following

MESSAGE FROM THE GOVERNOR:

EXECUTIVE OFFICE,
Lansing, February 2, 1858.

To the Legislature:

It has been suggested to me that the interest of the Upper Peninsula would be subserved by your giving those of their Railroads which have parallel lines authority to consolidate or purchase from others their rights and franchises, and I submit it for your consideration.

I have also been earnestly requested to submit for your consideration, the propriety of investing the Board of Control with discretionary power to accept the Railroads in the Upper Peninsula if they are constructed with a flat bar rail, and I therefore comply with the request.

KINSLEY S. BINGHAM.

By unanimous consent, the Speaker announced the following

MESSAGES FROM THE SENATE:

SENATE CHAMBER,
Lansing, February 2, 1858.

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to transmit to the House, Senate bills, being

A bill for the relief of the several Railroad Companies in the Upper Peninsula of this State.

Also,

A bill extending the powers of the Board of Control having in charge the grants of land made to the State of Michigan for Railroad purposes, approved February 14, 1857.

Which the Senate have passed by a majority vote of all the Senators elect, and ordered to take immediate effect by a vote of two-thirds of all said Senators.

Very Respectfully,

I. W. WILDER,

Secretary of the Senate.

The first named bill was read twice and referred to the committee on Banks and Incorporations.

The second named bill was read twice and referred to the committee on Banks and Incorporations.

SENATE CHAMBER,
Lansing, February 2, 1858.

To the Speaker of the House of Representatives :

SIR:—I am instructed to return Senate bill No. 2, being

A bill to provide for the payment of the members and officers of the extra session of the legislature for the year 1858,

And to inform the House that the Senate adopted the report of the committee of conference thereon.

Very respectfully,
ISAAC W. WILDER,
Secretary of the Senate.

On motion of Mr. Shaw,

The bill was referred to the committee on Ways and Means, with instructions to incorporate therein the amendments made thereto by the House this forenoon, and report the same back to the House immediately.

Mr. Berry, chairman of the committee on Banks and Incorporations, reported as follows:

The committee on Banks and Incorporations to whom was referred

A bill extending the powers of the Board of Control having in charge the grants of land made to the State of Michigan for Railroad purposes, approved February 14, 1857,

Beg leave respectfully to report that they have had the same under consideration, and report the same back to the House and recommend its passage, and ask to be discharged from its further consideration.

Report accepted, committee discharged and bill ordered to a third reading.

Mr. Berry, chairman of the committee on Banks and Incorporations, reported as follows:

The committee on Banks and Incorporations to whom was referred

A bill for the relief of the several railroads in the Upper Peninsula of this State,

Beg leave respectfully to report that they have had the same under

consideration, and report the same back to the House, recommend its passage and ask to be discharged from the further consideration thereof.

Report accepted and committee discharged, and the bill ordered to third reading.

Mr. R. Goodrich moved that the rule be suspended requiring the second and third reading of bills to be on different days.

Mr. Mussey moved to amend that the rule be suspended for the day. Lost.

The original motion was lost.

Mr. Gregory, by unanimous consent, submitted the following report:

The committee of ways and means to whom was recommitted Senate bill No. 2, with instructions, respectfully report said bill back to the House with the amendment inserted, agreeably to the instructions of the House, and ask to be discharged from the further consideration of the subject.

Report accepted and committee discharged, and the amendments concurred in, by a majority of all the members elect voting therefor, by yeas and as follows:

YEAS.

Mr. Ashmun,	Mr. Goodwin,	Mr. Munger,	
Bartlett,	Gregory,	Muscott,	
Berry,	Gulley,	Parkill,	
Blodgett,	Harvey,	E. Perry,	
Brooks,	Haze,	G. D. Perry,	
Calhoun,	House,	Porter,	
Caukin,	Hurd,	Sessions,	
Cook,	Judd,	Shaw,	
Combes,	Kellogg,	Smith,	
J. M. Davis,	Leland,	Sutton,	
W. Davis,	Linderman,	Wade,	
Fargo,	Ludlow,	Wendell,	
Germain,	Miller,	Wetherbee,	
C. B. Goodrich,	Merrill,	Whitney,	
R. Goodrich,	Monroe,	Yerkes,	45

NAYS.

Mr. Allen,	Mr. Erskine,	Mr. Mussey,	
Bacon,	Goodman,	Nevins,	
Beecher,	How,	Potter,	
Brown,	Ives,	Schemerhorn,	
Clark,	Kipp,	Simonson,	
Crosby,	McMahon,	Stoddard,	
Dunbar,	Mulholland,	Speaker,	21

Pending which vote,

Mr. Sherman moved that Mr. Hurd be excused from voting.

Lost.

Mr. R. Goodrich moved that the rule be suspended requiring the second and third reading of bills on different days.

Adopted.

On motion of Mr. Kellogg,

A bill, entitled

A bill extending the powers of the Board of Control, having in charge the grants of land made to the State of Michigan, for railroad purposes, approved Feb. 14, 1857,

Was placed on its final passage.

The bill having been read a third time, it was passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Allen,	Mr. R. Goodrich,	Mr. Munger,
Allman,	Goodwin.	Muscott,
Ashmun,	Gregory,	Mussey
Bacon,	Gulley,	Nevins,
Bartlett,	Harvey,	Parkill,
Beecher,	Haze,	E. Perry,
Berry,	House,	G. D. Perry,
Brooks,	How,	Porter,
Brownell,	Hurd,	Sessions,
Calhoun,	Ives,	Shaw,
Caukin,	Judd,	Sherman,
Clark,	Kellogg,	Simonson,
Cook,	Kipp,	Smith,
Combes,	Leland,	Stoddard,
J. M. Davis,	Linderman,	Sutton,
W. Davis,	Ludlow,	Wade,
Dunbar,	McMahon,	Wendell,
Enos,	Merrill,	Wetherbee,
Fargo,	Miller,	Whitney,
Germain,	Monroe,	Yerkes,
Goodman,	Mulholland,	Speaker,
C. B. Goodrich,		64.

NAYS.

Mr. Erskine,	Mr. Potter,	Mr. Schoonerhorn,	3

Title agreed to.

On motion of Mr. Berry,

By a vote of two-thirds of the members elect, the bill was ordered to take immediate effect.

Senate bill, entitled

A bill for the relief of the several Railroad Companies in the Upper Peninsula,

Being under consideration,

On motion of Mr. Sherman,

The bill was recommitted to the committee on Banks and Incorporations, with instructions.

Mr. Judd moved

That the House adjourn till 7 o'clock, this evening.

Lost.

On motion of Mr. House,

Resolved, That when the House adjouin, it adjourn till 7 o'clock, this evening.

On motion of Mr. Shaw,

The House adjourned till 7 o'clock P. M.

—

EVENING SESSION.

7 o'clock P. M.

House met pursuant to adjournment, and was called to order by the Speaker.

Roll called; quorum present.

The Speaker announced the following

MESSAGE FROM THE SENATE:

SENATE CHAMBER,
Lansing, February 2, 1858.

To the Speaker of the House of Representatives:

SIR:—I am instructed by the Senate to return to the House,

House bill, entitled

A bill to provide for the laying out and establishing a State road through the counties of Newaygo, Lake, Wexford and Grand Traverse; also,

A bill to provide for laying out and establishing a State road in the county of Manistee; also,

A bill to provide for laying out a State road from Saginaw to Cheboygan in the county of Cheboygan; also,

A bill to aid in the improvement of a certain State road; also,

Joint resolution relative to the distribution of the session laws, journals and documents of the legislature for the year 1858; also,

Joint resolution providing for the distribution of highway laws to certain township officers.

In the passage of which the Senate have concurred by a majority vote of all the Senators elect, and ordered same to take immediate effect by a vote of two-thirds of all said Senators.

Very Respectfully,

I. W. WILDER,

Secretary of the Senate.

The several bills were referred to the committee on Engrossment and Enrollment.

Mr. Berry, chairman of the committee on banks and incorporations, by consent, submitted the following:

The committee on banks and incorporations, to whom was recommitted

A bill for the relief of the several railroad companies in the Upper Peninsula of this State,

Beg leave to respectfully to report that they have had the same under consideration and report the same back to the House without amendment, and ask to be discharged from the further consideration of the subject.

Report accepted and committee discharged.

On motion of Mr. Sherman,

The bill was laid upon the table.

The Speaker announced the following message from the Senate:

SENATE CHAMBER,
Lansing, February 2, 1858.

To the Hon. the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to return to the House,

A bill to provide for the sale of the swamp lands and the reclamation thereof, and to secure the pre-emption claims of settlers thereon,

And to inform the House that the Senate did adopt the report of the committee of conference in relation to the disagreement of the two Houses in relation thereto.

Very Respectfully,

ISAAC W. WILDER,

Secretary of the Senate.

The House then took up the bill entitled

A bill to provide for the sale of the swamp lands, and the reclamation thereof, and to secure the pre-emption claims of settlers thereon.

The question being on concurring in the amendments made thereto by the committee of conference

Mr. Mussey moved that the House vote upon the amendments separately.

Withdrawn.

Mr. House moved that the House concur in the amendments in gross.

Which motion prevailed.

After discussion, Mr. Brown moved the previous question, which was ordered.

The question being on concurring in the amendments reported by the committee, they were not concurred in by yeas and nays as follows:

YEAS.

Mr.	Allen,	Mr.	Harvey,	Mr.	Mussey,
	Bacon,		Haze,		Nevins,
	Beecher,		House,		E. Perry,
	Berry,		Hurd,		G. D. Perry,
	Brown,		Ives,		Potter,
	Calhoun,		Judd,		Schermerhorn,
	Cook,		Leland,		Sessions,
	Combes,		Linderman,		Simonson,
	Crosby,		McMahon,		Smith,
	W. Davis,		Monroe,		Stoddard,
	Germain,		Mulholland,		Wade,
	Goodman,		Muscott,		Wetherbee,
	Goodwin,				Yerkes, 38

NAYS.

Mr.	Allman,	Mr.	Fargo,	Mr.	Merrill,
	Ashmun,		C. B. Goodrich,		Miller,
	Bartlett,		R. Goodrich,		Munger,
	Blodgett,		Gregory,		Parkill,
	Brooks,		High,		Porter,
	Brownell,		How,		Shaw,
	Caukin,		Jerome,		Sherman,
	Clark,		Kanter,		Sutton,
	J. M. Davis,		Kellogg,		Wendell,
	Dunbar,		Kipp,		Whitney,
	Erskine,		Ludlow,		Speaker, 33

Mr. Shaw offered the following:

This House having refused to concur in the recommendations of the

joint committee of conference in relation to the sale and disposition of the swamp lands, I move that another committee of conference of five members, the Senate concurring, from each House, be now appointed.

Adopted.

The Chair appointed Messrs. Shaw, Mussey, Whitney, House and Merrill.

The Speaker announced the following

MESSAGE OF THE SENATE

SENATE CHAMBER,
Lansing, February 2, 1858.

To the Speaker of the House of Representatives:

SIR—I am instructed to return to the House

A bill to amend an act entitled "an act to provide for assessing property at its true value, and for levying and collecting taxes thereon, approved February 14, 1853, and an act amendatory thereto, approved February 12, 1855,

Which the Senate have amended as follows:

Insert between sections 68 and 88 the following:

SEC. 80. The cost of printing and publishing such statement shall not exceed (40) forty cents for each description of land so advertised; and no printer shall be paid for publishing any such statement who shall not forward to the Auditor General within (20) twenty days after the last publication thereof, an affidavit made by some person to whom the facts are known, stating such publication, and also that he has transmitted to each county treasurer, by mail, copies of the two first numbers of his paper containing such statement, immediately after their publication: *Provided, however*, That such statement shall be published in a newspaper in the county in which the sale takes place, if there be one; and if no newspaper be printed in such county, then such statement shall be published in an adjoining county, or in a newspaper published in the next nearest county to the county in which such sale takes place.

Also amend section 1, line 3, by inserting the word "eighty."

Also, amend section 101, by striking out the words "and shall immediately," in line 38, and insert as follows: "thereupon and within four days thereafter, render his decision thereon; and within ten days after the rendition of such decision or judgment, either party, or any person

interested in such proceeding, may appeal therefrom to the circuit court for the county in which such proceedings may be had, by giving notice in writing of his intention to appeal; and such commissioner shall within ten days after receiving notice of such appeal." Also, after the word "him," in line 40, insert "together with his decision."

Also, insert between the words "building" and "swamp," in line 2 of section 155, the words "Normal School" "Asylum."

Also, insert between the words "building" and "swamp," in line 3 of section 156, the words "Normal School" "Asylum."

Also, add a new section to stand as section 157, as follows:

"The provisions of this act shall in no wise effect sales of lands heretofore made for delinquent taxes; and if any person dispossessed of lands purchased in pursuance of the provisions of this act, shall have made valuable improvements thereon, he shall be entitled to receive what such improvements are reasonably worth, to be assessed on the trial of said cause; and the sum so assessed shall be a lien on said land till paid."

In the passage of which, as amended, the Senate have concurred by a majority vote of all the Senators elect, and ordered the bill to take effect in 50 days from the date of its approval, in which amendments the concurrence of the House is respectfully asked.

Very respectfully,

Your obedient servant,

ISAAC W. WILDER,

Secretary of the Senate.

Pending the question on concurring in the amendments,

On motion of Mr. Kellogg,

The House adjourned till nine o'clock to-morrow morning.

Lansing, Wednesday, February 3, 1858.

House met pursuant to adjournment, and was called to order by the Speaker.

Roll called; quorum present.

Absent, Messrs. Buckley, Chase, Hannah, McKnight, McKinley, O'Flynn, White.

Mr. Kanter asked leave of absence for Mr. Chase.

Which was granted.

REPORTS OF STANDING COMMITTEES.

Mr. Gregory, chairman of the committee on Ways and Means, reported the following:

The committee of Ways and Means to whom was referred so much of the special message of the Governor as relates to the erection of a jail in the county of Wayne, respectfully report.

Section 9 of article 10 of the Constitution of this State confers upon the Board of Supervisors in each county authority to raise a tax of one thousand dollars, any one year, for the repair or erection of public buildings or bridges, and also invests them with power to borrow or raise by tax, a larger sum if a majority of the electors shall so determine. Accordingly, by the provisions of an act to define the powers and duties of the Boards of Supervisors of the several counties and to confer upon them certain local, administrative and legislative powers, approved April 8th, 1851, the general powers of such Boards are clearly prescribed—among them, the power to erect jails in their respective counties and to raise money by loan or tax after having submitted the question to the electors as provided in section 20, page 19, of the Compiled Laws, if the sum to be raised shall exceed one thousand dollars.

Your committee are aware that the Board of Auditors of the county are invested with many of the powers conferred upon the Board of Supervisors by the act above alluded to; still, all matters connected with the assessment and collection of taxes within said county of Wayne are lodged in the Board of Supervisors, as provided in the 13th section of chapter 10 of the Compiled Laws. And that this is the correct understanding of the statutes provided in the case, is still further evident from the fact that the Board of Supervisor of said county of Wayne have twice submitted to the electors of said county a proposition to raise a tax for the erection of a jail agreeable to the provisions of the law as set forth above, which proposition has in both instances been rejected by the electors. Your committee cannot perceive any necessity for the special legislation contemplated, believing that the existing statutes are ample, and that the electors of Wayne county can determine their own wants and necessities, and provide for them without the special interposition of this august body, whose ingenuity and resources are already drawn to their utmost tension in disposing of the swamp lands. For these reasons, and others which

Was read a third time, and a majority of all the members elect not voting therefor, it was not passed, by yeas and nays, as follows:

YEAS.

Mr. Allen,	Mr. Combes,	Mr. Mulholland,
Allman,	Fargo,	E. Perry,
Bacon,	C. B. Goodrich,	Porter,
Bartlett,	Linderman,	Sessions,
Beecher,	McMahon,	Shaw,
Blodgett,	Merrill,	Smith,
Brown,	Monroe,	Whitney,
Cook,		22

NAYS.

Mr. Ashmun,	Mr. High,	Mr. Nevins,
Calhoun,	How,	Parkill,
Crosby,	Hurd,	Potter,
J. M. Davis,	Ives,	Sherman,
W. Davis,	Kanter,	Simonson,
Dunbar,	Kellogg,	Stoddard,
Erskine,	Kipp,	Sutton,
Germain,	Leland,	Wendell,
Goodman,	Miller,	Wetherbee,
Gregory,	Munger,	Yerkes,
Gulley,	Muscott,	Speaker,
Haze,	Mussey,	35

House bill entitled

A bill authorizing the Superintendent of Public Instruction to appoint a Deputy,

Was then read a third time, and a majority of all the members elect not voting therefor, it was not passed by yeas and nays as follows:

YEAS.

Mr. Allman,	Mr. Goodman,	Mr. Monroe,
Ashmun,	C. B. Goodrich,	Muscott,
Bacon,	R. Goodrich,	Parkill,
Bartlett,	Goodwin,	E. Perry,
Beecher,	Gregory,	G. D. Perry,
Berry,	Harvey,	Porter,
Brown,	Haze,	Potter,
Caukin,	Hurd,	Sessions,
Cook,	Judd,	Shaw,
Combes,	Kellogg,	Stoddard,
Crosby,	Leland,	Wade,
Enos,	Linderman,	Wetherbee,
Fargo,	McMahon,	
Germain,	Merrill,	40

NAYS.

Mr. Allen,	Mr. High,	Mr. Munger,	
Blodgett,	How,	Nevins,	
Calhoun,	Ives,	Sherman,	
W. Davis,	Kanter,	Simonson,	
J. M. Davis,	Kipp,	Smith,	
Dunbar,	Ludlow,	Wendell,	
Erskine,	Miller,	Yerkes,	
Gulley,	Mulholland,	Speaker,	24

Pending the announcement of the vote,

Mr. Ashmun moved a call of the House.

Adopted.

The Clerk called the roll.

Absent without leave, Messrs. Brownell, Brooks, Buckley, Chase and Jerome.

On motion of Mr. Kanter,

The Sergeant-at-Arms was dispatched after the absentees.

Pending which motion,

Mr. Schermerhorn moved that further proceedings under the call be dispensed with.

Lost.

The original motion was adopted.

Mr. Judd moved that the absentees, when they appear, be permitted to enter within the bar of the House, and severally render their excuses for absence.

Adopted.

Mr. Beecher moved that further proceedings under the call be dispensed with.

Lost.

Mr. Brownell appeared within the bar, and rendered his excuse for absence,

Which was accepted by the House.

Mr. Beecher moved re-consider the vote by which the absentees were permitted to appear at the bar of the House and render their excuse.

Lost.

Mr. Beecher moved that further proceedings under the call be dispensed with.

Lost.

Mr. Judd moved that further proceedings under the call be dispensed

YEAS.

Mr.	Allen,	Mr.	C. B. Goodrich,	Mr.	Mulholland,
	Ashmun,		Goodwin,		Muscott,
	Bacon,		Gregory,		Mussey,
	Bartlett,		Gulley,		Parkill,
	Beecher,		Harvey,		E. Perry,
	Blodgett,		Haze,		G. D. Perry,
	Brooks,		House,		Potter,
	Brown,		Ives,		Schemerhorn,
	Calhoun,		Jerome,		Sessions,
	Caukin,		Judd,		Shaw,
	Combes,		Kellogg,		Simonson,
	Crosby,		Kipp,		Smith,
	W. Davis,		Leland,		Wade,
	Enos,		Linderman,		Wetherbee,
	Erskine,		Ludlow,		Whitney,
	Fargo,		McMahon,		Yerkes,
	Germain,		Merrill,		Speaker,
	Goodman,				52

NAYS.

Mr.	Allman,	Mr.	R. Goodrich,	Mr.	Miller,
	Clark,		High,		Monroe,
	Cook,		How,		Munger,
	J. M. Davis,		Hurd,		Nevins,
	Dunbar,		Kanter,		Wendell, 15

Mr. McMahon offered the following:

Resolved, That the Auditor General be and he is hereby authorized and requested to collect and compile in pamphlet form, the laws relating to the assessment and collection of taxes, and forward to each County Treasurer in the State a sufficient number of copies to supply one to each Supervisor and Township Clerk in such county, and that said pamphlets be forwarded with the blank statements and assessment rolls.

Adopted.

Mr. Wendell, by unanimous consent introduced

A joint resolution relative to the Saginaw and Cheboygan Road.

Which was read twice, and

On motion of Mr. Clark,

The rule was suspended, and the joint resolution, entitled

Joint resolution relative to the Saginaw and Cheboygan Road,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays as follows:

YEAS.

Mr. Allen,	Mr. Goodman,	Mr. Mussey,
Allman,	C. B. Goodrich,	Nevins,
Ashmun,	R. Goodrich,	Parkill,
Bacon,	Goodwin,	G. D. Perry,
Bartlett,	Gregory,	Porter,
Beecher,	Haze,	Potter,
Berry,	High,	Schemerhorn,
Brooks,	House,	Sessions,
Brown,	How,	Sherman,
Brownell,	Hurd,	Simonson,
Calhoun,	Jerome,	Smith,
Caukin,	Judd,	Stoddard,
Clark,	Kellogg,	Wade,
Combes,	Leland,	Wendell,
J. M. Davis,	Ludlow,	Wetherbee,
W. Davis,	Merrill,	Whitney,
Enos,	Munger,	Yerkes,
Fargo,	Muscott,	Speaker,
Germain,		

55

NAYS. 0

Preamble adopted, and title agreed to.

Mr. Ives, chairman of the committee on enrollment and engrossment submitted the following:

The committee on enrollment and engrossment, report as correctly engrossed, signed and presented to the Governor,

A bill for the relief of the Genesee and Oakland Railroad Company,

A bill granting to the River Raisin and Grand River Railroad Company, the right of way over certain lands of this State,

A bill to amend an act entitled "an act to provide for the construction of a State road from Saginaw City by way of St. Louis and Ithaca, in Gratiot county, to St. Johns, in Clinton county,

A bill to amend an act entitled "an act disposing of certain grants of land made to the State of Michigan for Railroad purposes, by act of Congress, approved June 3, 1856," approved February 14, 1857,

A bill to amend an act entitled an act to re-organize the county of Emmet, approved February 13, 1855,

Joint resolution providing for the distribution of highway laws to certain township officers,

Joint Resolution relative to the distribution of the Session Laws, Journals and Documents of the Legislature for the year 1858,

Joint Resolution relative to the indebtedness of the county of Washtenaw to the State,

Also,

A bill to authorize the District Judge of the Upper Peninsula to convey lands held in trust, in the village of Ontonagon, in the county of Ontonagon.

Report accepted.

Mr. House moved to take from the table the concurrent resolution relative to adjournment.

Lost.

On motion of Mr. Bartlett,

The House adjourned till half past ten o'clock.

—

10½ o'clock A. M.

The time to which the House adjourned having arrived, the Speaker called the House to order.

Roll called; quorum present.

The Speaker announced the following

MESSAGE FROM THE SENATE:

SENATE CHAMBER,
Lansing, February 3d, 1858.

To the Hon. the Speaker of the House of Representatives:

SIR—I am instructed to return to the House, House bill, No. 3,

Bill to provide for the sale of the swamp lands, and the reclamation thereof, and to secure pre-emption claims of settlers thereon,

And respectfully inform the House that the Senate adhere to the amendments made by the committee of conference thereto.

Very Respectfully,

I. W. WILDER,
Secretary of the Senate.

Also the following:

SENATE CHAMBER,
Lansing, February 3, 1858.

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to return to the House,

A bill to amend an act entitled "an act to provide for assessing property at its true value, and for levying and collecting taxes thereon," approved February 14, 1853, and an act amendatory thereto, approved February 12, 1855,

And to inform the House that the Senate have concurred in the amendment of the House to section 157.

Very respectfully,

ISAAC W. WILDER,

Secretary of the Senate.

Referred to the committee on enrollment.

Mr. Sutton moved to reconsider the vote by which the House refused to concur in the report of the committee of conference relative to the disagreement of the two Houses on the swamp land bill.

Mr. Ashmun moved to lay the motion on the table.

On which motion Mr. Kellogg called for the yeas and nays, and which were ordered.

And the motion to table was lost by yeas and nays as follows:

YEAS.

Mr. Ashmun,	Mr. Fargo,	Mr. Merrill,
Bartlett,	C. B. Goodrich,	Miller,
Brooks,	R. Goodrich,	Munger,
Brownell,	Gulley,	Parkill,
Caukin,	How,	Porter,
Clark,	Jerome,	Sherman,
J. M. Davis,	Kanter,	Wendell,
Dunbar,	Kipp,	Whitney,
Erskine,		25

NAYS.

Mr. Allen,	Mr. Gregory,	Mr. Nevins,
Allman,	Harvey,	E. Perry,
Bacon,	Haze,	G. D. Perry,
Beecher,	House,	Potter,
Berry,	Hurd,	Schemerhorn,
Blodgett,	Ives,	Sessions,
Brown,	Judd,	Shaw,
Calhoun,	Kellogg,	Simonson,
Cook,	Leland,	Smith,
Combes,	Linderman,	Stoddard,
W. Davis,	McMahon,	Sutton,
Enos,	Monroe,	Wade,
Germain,	Mulholland,	Wetherbee,
Goodman,	Muscott,	Yerkes,
Goodwin,	Mussey,	Speaker, 45

The question being on the motion to re-consider, Mr. Blodgett called for the yeas and nays.

Which were ordered.

And the motion to reconsider it, was carried by yeas and nays as follows:

YEAS.

Mr. Allen,	Mr. Gregory,	Mr. Mussey,
Bacon,	Gulley,	Nevins,
Beecher,	Harvey,	E. Perry,
Berry,	Haze,	G. D. Perry,
Blodgett,	House,	Potter,
Brown,	Hurd,	Schermerhorn,
Calhoun,	Ives,	Sessions,
Cook,	Judd,	Simonson,
Combes,	Kellogg,	Smith,
Crosby,	Leland,	Stoddard,
W. Davis,	Linderman,	Sutton,
Enos,	McMahon,	Wade,
Germain,	Monroe,	Wetherbee,
Goodman,	Mulholland,	Yerkes,
Goodwin,	Muscott,	Speaker, 45

NAYS.

Mr. Allman,	Mr. Fargo,	Mr. Merrill,
Ashmun,	C. B. Goodrich,	Miller,
Bartlett,	R. Goodrich,	Munger,
Brooks,	High,	Parkill,
Brownell,	How,	Porter,
Caukin,	Jerome,	Shaw,
Clark,	Kanter,	Sherman,
J. M. Davis,	Kipp,	Wendell,
Dunbar,	Ludlow,	Whitney,
Erskine,		28

The question being on concurring in the amendments reported by the special committee of conference.

Mr. Kellogg moved that the House concur.

On which motion he called the previous question.

Which call was sustained, and the amendments were concurred in by yeas and nays as follows:

YEAS.

Mr. Allen,	Mr. Gregory,	Mr. Mussey,
Bacon,	Gulley,	Nevins,
Beecher,	Harvey,	E. Perry,
Berry,	Haze,	G. D. Perry,
Blodgett,	House,	Potter,

Brown,	Hurd,	Schermerhorn,
Calhoun,	Ives,	Sessions,
Cook,	Judd,	Simonson,
Combes,	Kellogg,	Smith,
Crosby,	Leland,	Stoddard,
W. Davis,	Linderman,	Sutton,
Enos,	McMahon,	Wade,
Germain,	Monroe,	Wetherbee,
Goodman,	Mulholland,	Yerkes,
Goodwin,	Muscott,	Speaker, 45

NAYS.

Mr. Allman,	Mr. Fargo,	Mr. Merrill,
Ashmun,	C. B. Goodrich,	Miller,
Bartlett,	R. Goodrich,	Munger,
Brooks,	High,	Parkill,
Brownell,	How,	Porter,
Caukin,	Jerome,	Shaw,
Clark,	Kanter,	Sherman,
J. M. Davis,	Kipp,	Wendell,
Dunbar,	Ludlow,	Whitney,
Erskine,		28

Title agreed to, and by a two-thirds vote of all the members elect, the bill was ordered to take immediate effect.

Mr. Sherman gave notice that to-day or at some future time he should claim the privilege of entering his protest, with others, upon the journal.

The Speaker called Mr. Mussey to the chair.

On motion of Mr. House, it was

Resolved, That a committee of two be appointed to wait upon the Governor, and request him to inform this House whether he has any further communications to make.

The chair appointed Messrs. House and Kanter such committee.

After a short absence, the committee returned and reported that they had discharged the duty assigned them, and that the Executive had no further communications to make.

Report accepted, and committee discharged.

Mr. Blodgett moved to take from the table Senate concurrent resolution relative to adjournment.

Adopted.

Mr. McMahon offered the following substitute:

Resolved, That from and after 12 o'clock, noon, on Wednesday, the 3d inst., the two Houses will transact no further business other than for the President of the Senate and the Speaker of the House to sign en-

rolled bills for the approval of the Governor, and the entry of the same on the journal proper of the Senate and the House, by the Secretary and the Clerk; and that the day of final adjournment of the two Houses of this legislature shall be on the fourth day of February, at 12 o'clock, noon, of that day.

Which was adopted.

Mr. Kellogg moved to reconsider the last vote.

Lost.

The Speaker announced the following message from the Governor:

EXECUTIVE OFFICE,
Lansing, February 1, 1858.

To the House of Representatives:

I have approved and filed in the office of the Secretary, the following entitled acts and joint resolutions, to wit:

An act to amend an act entitled an act to re-organize the county of Emmet, approved February 13, 1855,

An act to authorize the District Judge of the Upper Peninsula to convey lands held in trust in the town site of Ontonagon, in the county of Ontonagon,

Joint resolution relative to the distribution of the session laws, journals and documents of the legislature for the year 1858,

Joint resolution providing for the distribution of highway laws to township officers,

A joint resolution relative to the indebtedness of the county of Washtenaw to the State,

KINSLEY S. BINGHAM.

Mr. Kanter offered the following:

Resolved, That the thanks of this House are due, and the same are hereby tendered to Hon. Byron G. Stout, for the prompt, efficient and impartial manner in which he has discharged the duties of Speaker, and for his uniform courtesy and kindness extended to every member of this House.

Which was unanimously adopted.

Mr. Ashmun offered the following:

Resolved, That the Clerk of this House be required to forward, by mail, to each member, six copies of this day's journal.

Mr. Kanter moved to amend, by adding thereto, "also six copies of

the printed majority and minority reports of the committee on investigation."

Mr. R. Goodrich moved that the whole subject be laid upon the table.

Lost.

The amendment was then adopted.

The resolution, as amended, was then adopted.

Mr. Kellogg offered the following:

Resolved, That the Clerk send three copies of the swamp land law to each member.

On which Mr. Shaw moved the previous question.

Which was ordered.

Mr. R. Goodrich called for the yeas and nays.

Which call was sustained, and the resolution was adopted, by yeas and nays, as follows:

YEAS.

Mr.	Allen,	Mr.	Gulley,	Mr.	Munger,
	Allman,		Harvey,		Muscott,
	Ashmun,		Haze,		Mussey,
	Bacon,		High,		Parkill,
	Bartlett,		How,		E. Perry,
	Beecher,		Hurd,		G. D. Perry.
	Berry,		Ives,		Porter,
	Blodgett,		Jerome,		Potter,
	Brown,		Kanter,		Schemerhorn,
	Brownell,		Kellogg,		Shaw,
	Clark,		Kipp,		Sherman,
	Cook,		Leland,		Simonson,
	J. M. Davis,		Linderman,		Stoddard,
	W. Davis,		McMahon,		Sutton,
	Dunbar,		Merrill,		Wendell.
	Fargo,		Miller,		Wetherbee,
	Goodman,		Monroe,		Whitney,
	C. B. Goodrich,		Mulholland,		Yerkes,
	R. Goodrich,				54

NAYS.

Mr.	Calhoun,	Mr.	Germain,	Mr.	Nevins,
	Caukin,		Goodwin,		Sessions,
	Crosby,		House,		Smith,
	Enos,		Judd,		Wade, 12

The Speaker announced the following

MESSAGE FROM SENATE.

SENATE CHAMBER,
Lansing, February 3, 1858.

To the Hon., the Speaker of the House of Representatives:

SIR—I am instructed to return to the House,

A bill to amend section 6 of act No. 147 of the session laws of 1857

In the passage of which the Senate have concurred by a majority vote of all the Senators elect.

Very respectfully,

Your obedient servant,

ISAAC W. WILDER,

Secretary of the Senate.

The bill was referred to the committee on Enrollment.

Also,

SENATE CHAMBER,
Lansing, February 3, 1858.

To the Hon. the Speaker of the House of Representatives:

SIR—I am instructed to return to the House,

Joint resolution relative to the Saginaw and Cheboygan road,

In the passage of which the Senate have concurred.

Very Respectfully,

I. W. WILDER,

Secretary of the Senate.

Referred to the committee on enrollment.

Mr. Shaw offered the following:

Resolved, That the Secretary of State be and is hereby authorized to furnish each of the Clerks of this House, and their assistants, and the Reporter of the House, with a copy of the Compiled Laws of this State.

Adopted.

The Speaker announced the following communication:

SENATE CHAMBER,
Lansing, February 3, 1858.

To the Speaker of the House of Representatives:

SIR:—I am instructed to inform the House that the Senate have concurred in the adoption of the following resolution:

Resolved, (the House concurring,) That from and after 12 o'clock noon, on Wednesday 3d inst. the two Houses will transact no further

business other than for the President of the Senate and the Speaker of the House to sign enrolled bills for the approval of the Governor, and the entry of the same on the journal proper of the Senate and the House, by the Secretary and the Clerk, and that the day of final adjournment of the two Houses of this Legislature shall be on the 4th day of February, at 12 o'clock noon of that day.

Very respectfully,

ISAAC W. WILDER,

Secretary of the Senate.

The hour of 12 o'clock having arrived,

On motion of Mr. Blodgett,

The House adjourned till 9 o'clock to-morrow morning.

Lansing, February 4, 1858,

9 o'clock, A. M.

House met pursuant to adjournment, and in the absence of the Speaker, was called to order by the Clerk.

Roll called; present, Messrs. E. Perry, Parkill and Sherman.

REPORTS OF STANDING COMMITTEES.

Mr. E. Perry, from the committee on enrollment and engrossment, submitted the following report:

The committee on Engrossment and Enrollment report as correctly enrolled, signed and presented to the Governor, the following bills:

A bill to repeal act No. 145 of the session laws of 1857, being an act to provide for laying out and establishing a State road in the counties of St. Clair, Sanilac, and Tuscola.

A bill to provide for the laying out and establishing a certain State road in the counties of Midland, Isabella and Gratiot.

A bill to amend act No. 63, of the session laws of 1857, being an act entitled an act to lay out and establish a State road in the counties of Sanilac and Tuscola.

A bill to provide for laying out and establishing a certain State road in the counties of Newaygo, Lake, Wexford and Grand Traverse.

A bill to incorporate the city of St. Clair.

Also the following joint resolution:

Joint resolution relative to the Saginaw and Cheboygan road.

Also,

A bill to amend an act entitled "an act to provide for laying out, establishing and improving a State road in Clinton, Gratiot, Shiawassee, Saginaw, and Genesee counties, approved February 17, 1857."

A bill to amend section 6 of act No. 147 of the session laws of 1857.

A bill to aid in the improvment of a certain State road.

A bill to provide for laying out and establishing a State road in the county of Sanilac.

A bill to provide for the sale of the swamp lands and the reclamation thereof, and to secure the pre-emption claims of settlers.

A bill to provide for assessing property at its true value, and for levying and collecting taxes thereon, approved Feb. 14th, 1853, and an act amendatory thereto, approved Feb. 12th, 1855,

Report accepted and committee discharged.

Mr. Sherman, in accordance with previous notice, on behalf of the signers thereto, submitted the following

PROTEST.

HOUSE OF REPRESENTATIVES,
Lansing, Feb. 3, 1858.

The undersigned, members of the House of Representatives of the State of Michigan, hereby enter their Protest against the passage of an act, entitled "An act to provide for the sale of Swamp Lands, and the reclamation thereof, and to secure the pre-emption claims of settlers thereon," and for the following reasons:

1st. In the disposal of the proceeds of said swamp lands under this act, the State violates its faith with the General Government, which ceded these lands to the State for the purpose of drainage and reclamation, and for no other purpose whatever.

2d. The manner of disposing of the proceeds of these lands, is a flagrant wrong upon the new counties in this State, they being the chief and only sufferers in consequence of these swamps, which are but hot beds of disease and death, and consequently the only parties of right vitally interested in the disposal of these lands, according to the honest intent and meaning of the act of Congress.

3d. That under this act not a swamp or a marsh in the State can ever be reclaimed or drained, and that the whole proceeds of these lands

will be forever lost for the purposes for which they were intended by Congress.

4th. That the so called pre-emption section in the act, is only hollow mockery, giving the words of promise to the ear only to be broken to the hope. While it provides for pre-emptions to the few who have settled upon swamp lands previous to the 1st of December, 1857, it cuts off from the right to pre-empt thousands of honest, industrious poor men who would gladly avail themselves of the benefits of a liberal provision, and thereby secure to their families homes and competency; thus, while it benefits the rich, it is unjustly oppressive to the poor.

5th. That the so-called pre-emption section cuts off from its benefits each and every person who may happen to be the owner of eighty acres of land, no matter in what part of the habitable globe said land may be situated. Such a provision we deem to be wrong and oppressive to the people of this State, and a palpable violation of the rights of citizens.

6th. There being no provision whatever in said act for the drainage and reclamation of said lands, or any part of them, as is expressed in its title, we consider it nothing less than a base fraud upon the people of this State, and an insult to their intelligence.

7th. That the disposal of the proceeds of these lands under this act, for purposes other than those contemplated under the act of Congress, will for years seriously retard emigration and settlement in the new portions of the State, embracing over four-fifth of our territory, and consequently will prove detrimental to the interests and general prosperity of our entire State.

8th. Although the honest and industrious man may have improved and cultivated portions of the swamp lands for years, in the expectation that the time would come when he could pre empt or purchase a portion thereof, he is cut off from the former, because he has built his house upon an adjoining five acre lot for the purpose of escaping from the unhealthy miasma of these swamps, or if he would purchase the lands he has thus reclaimed, he is compelled to compete with the speculator, and may in the end be robbed of all his improvements, which have cost him years of toil, and not unfrequently at the sacrifice of the health of himself and family.

9th. That the pre-emption provisions of this act require the pre-emptors to comply with the terms of the act of Congress, and then

compels them to pay the State a large price for land which their own labor has made valuable, and thereby throwing off the responsibility which the State assumed, upon the individual; whereas, the man who shall improve these lands should be entitled to the profits of his labor, rather than the State.

10th. And finally, we protest against the passage of this act, because the State, in accepting these lands from the General Government, became its trustee, and as such it is in honor bound to faithfully execute the trust, in strict accordance to the meaning and intention of the act of Congress donating said lands to the State, whereas in this act the State violates its trust, and acts dishonestly towards the General Government and our own citizens.

ABNER SHERMAN,	WM. BROWNELL,
JOHN M. DAVIS,	M. A. CHASE,
EDWARD KANTER,	JOHN MILLER,
S. LUDLOW,	JOHN HOW,
WM. DUNBAR,	GEO. T. WENDELL.

The hour of 12 o'clock, noon, having arrived, in accordance with the resolution of the two Houses, the House was declared adjourned *sine die*.

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ACCOMPANYING THE

JOURNAL OF THE HOUSE.

[No. 1.]

COMMUNICATION from the Governor in relation to the granting of Pardons.

To the Legislature :

In compliance with the provisions of the Constitution, I herewith communicate information of each case of reprieve, commutation and pardon, granted by me, up to the 20th day of January inst., and the reasons therefor.

George Allard, convicted in Jackson county, in December, 1855, of larceny, and sentenced to two and a half years imprisonment. Pardoned, January 6, 1857, upon the statement of F. Livermore, Esq., who prosecuted him, that he believed him innocent.

Patrick Spellman, convicted in Wayne county, in May, 1853, of perjury, and sentenced to six years imprisonment. Pardoned, January 7, 1857, upon the receipt of a letter from Judge Douglass, expressing belief that he had sentenced him too severely, and of A. T. McReynolds, and many others, including the Chaplain and all the officers of the Prison, who united in desiring clemency.

Peter Cadott, convicted in Marquette county, in June, 1855, of murder in the second degree, and sentenced to four years imprisonment. Pardoned January 16, 1857. This Indian boy was pardoned upon the

earnest representations of J. P. C. Emmons, Esq., late Prosecuting Attorney in Wayne county, who insisted that the evidence was insufficient to convict him. Hon. J. V. Campbell, and Hon. Peter White, also urged it.

Elmer C. Barton, convicted in Wayne county, in September, 1854, of rape, and sentenced to eight years imprisonment. Pardoned January 20, 1857, on the recommendation of Judge Douglass who sentenced him, and who doubted the testimony of the complainant, a German woman, who charged the crime to have been done on board of a steamboat. Capt. Wilson, Langley and Ralph, joined in the recommendation.

Ferdinand Turrett, convicted in Wayne county, of assault and battery on an officer, and sentenced to ninety days imprisonment in county jail. This man, from a misapprehension of our laws, arising from a slight knowledge of our language, committed an assault upon an officer. After sixty days confinement, the complainant, May, and others, asked that the remainder be remitted. Sentence remitted, January 20, 1857.

John Long, convicted September, 1856, in the county of Wayne, of assault and battery, and sentenced to one year's confinement in the county jail. Pardoned, January 24, 1857, upon the representation of Judge Douglass and Doctor Wm. Brodie, that the health of the prisoner was such as to render it dangerous to keep him longer confined.

John Stephenson, convicted October, 1854, in the county of Wayne of larceny, and sentenced to five years imprisonment. Pardoned, Febru- 16th, 1857. This young man was a mechanic, and stole copper from his employers in Detroit. His pardon was earnestly recommended by them, and by all the officers of the Prison, and his conduct since has justified this exercise of clemency.

James H. Bingham, convicted in October, 1852, in the county of Macomb, of passing counterfeit money, and sentenced to six years imprisonment. Pardon, February 27, 1857, was granted in this case upon the representation of the officers of the prison that the life of Elliott, one of the Keepers of the Prison, was saved when assailed by a convict, by the timely and energetic interference of Bingham, and that his conduct had been uniformly good.

William Rowe, convicted in Wayne county of disorderly conduct and sententenced to 75 days imprisonment in the county jail. Par-

doned, March 2, 1857, on the representation of Mayor Hyde and Miles J. O'Riley, his Attorney, that his sentence was to pay a fine or imprisonment. The imprisonment was remitted upon the payment of $20 of the fine.

James Campbell, convicted in Wayne county in October, 1853, of manslaughter, and sentenced to four years imprisonment. The pardon to this colored man was granted upon strong certificates of good character from Mr. Tale, his employer, and many others, including the officers of the prison, and on affidavit that the offence was committed by another person.

Daniel F. McGee, convicted in Wayne county, in Nov. 1851, of an assault and battery and attempt to commit a rape, and sentenced to eight years imprisonment. Pardoned, March 29, 1857. This man had been an old soldier, and evidence was produced from which I was led to doubt his guilt, and a certificate of good conduct and character was given by the officers of the prison.

Polly Horodon, convicted in Wayne county, in July, 1856, of larceny, and sentenced to two years imprisonment. Pardoned April 3, 1857. This was an aged woman, always regarded as respectable, and convicted under circumstances, in the belief of Hon. J. Brewer, A. H. Ballard, and other highly respectable citizens of Wayne and Washtenaw counties, as rendered her guilt doubtful.

Joseph Gray, convicted in Wayne county, in April, 1856, of receiving stolen property, and sentenced. Pardoned, April, 1857. A strong petition from the township of Farmington, where he formerly resided, and a letter from Hon. J. M. Howard, Attorney General, that the evidence upon which he was convicted was "slight and inconclusive."

Marshall Chilson, convicted in Hillsdale county, in Nov. 1853, of grand larceny, and sentenced to four years imprisonment. Pardoned April 30, 1857, upon the application of a large number of his acquaintances and certificates of good character and conduct.

William N. Mills, convicted in Wayne county, in April, 1857, of petit larceny, and sentenced to 75 days imprisonment in county jail. Pardoned, May 4, 1857. This man was represented to me as a good citizen of Ypsilanti, who unfortunately went to Detroit and got intoxicated. He was pardoned at the earnest request of his friends, upon the express condition of forever abstaining from intoxicating drinks.

Frans Michael Willett, convicted in Wayne county, in March, 1857, of assault and battery, and sentenced to sixty days confinement in county jail. Pardoned, May 4, 1857. This was an unfortunate German who drank too much *lager beer*. He promised never to drink again, and was pardoned upon the intercession of Hon. H. A. Morrow, J. L. Chipman, Geo. B. Ensworth, R. H. Brown, T. S. Blackman, Stephen P. Purdy, and others.

Samuel Dodd, convicted in Mackinaw County, in 1857, of receiving stolen goods, and sentenced to five months imprisonment in county jail. Sentence in this case was commuted to two months, on payment of one hundred dollars fine. This was upon the recommendation of the Prosecuting Attorney, and a petition numerously signed.

Barney Doty, convicted in Kent County, in October, 1853, of polygamy, and sentenced to three years imprisonment. Pardoned, June 26, 1857, upon satisfactory evidence that there was no intention to commit crime.

Kern McGinnis, convicted in Wayne County, in December, 1854, of passing counterfeit money, and sentenced to four years imprisonment. Pardoned, August 5, 1857, upon the recommendation of Hon. George Jerome, O. M. Hyde, H. D. Terry, J. Knox Goore, B. Rush Bagg, J. L. Shipman, H. A. Morrow, E. V. Cicott, G. V. N. Lathrop, and many other respectable citizens of Detroit.

Perry W. Whitaker, convicted in Cass County, in September, 1856, of passing counterfeit money, and sentenced to one year imprisonment. Pardoned August 22, 1857, upon the recommendation of Judge Martin and Hon. J. McKinney.

Owin Glancy, convicted in Wayne County, in December, 1847, of robbery, and sentenced to fourteen years imprisonment. Pardoned, September 9, 1857, on the recnmmendation of all the officers of the prison, for meritorious conduct in quelling an insurrection in the prison on the 7th September last, after having been confined nearly ten years.

Margaret Lindley, convicted in Wayne County, in October, 1854, of receiving stolen property, and sentenced to five years imprisonment. Pardoned, September 9, 1857; the prosecutors in Detroit, and many of the best citizens, the Matron of the prison, the Chaplain and all the officers united in asking this pardon for a very penitent old woman.

Sylvester M. Woods, convicted in Hillsdale, in September, 1855, of

stealing from a dwelling at night, and sentenced to four years imprisonment. Pardoned, September 9, 1857, upon the solicitation of the complaining witness, the county officers, Hon. W. Waldron, Hon. W. W. Murphy, and the officers of the prison.

Stephen Fowler, convicted in Branch County, in December, 1854, of assault and battery with intent to kill, and sentenced to fifteen years imprisonment. Pardoned, September 9, 1857, upon the recommendation of Hon. Geo. A. Coe and others, and all the jurors who convicted him asserting their belief that he was not guilty of the intent to kill.

Richard Connor, convicted in Wayne County, in 1857, of assault and battery, and sentenced to confinement in county jail ninety days. Pardoned, September 17, 1857, upon the earnest solicitation of himself and the recommendation of Justice Bagg, who sentenced him.

John Jordan, convicted in Wayne county, in October, 1851, of larceny, and sentenced to eight years imprisonment. Pardoned Oct. 5, 1857. This was a negro, a fugitive from slavery, who came over from Canada and stole three barrels of flour. He had been in prison six years. The officers gave him a good character, and Judge Witherell, who sentenced him, recommended the pardon.

Adelbert Blodget, convicted in Eaton county in Oct. 1854, of larceny, and sentenced to 4 years imprisonment. Pardoned Oct. 26, 1857, upon the recommendation of the Prosecuting Attorney who convicted him, and a great number of citizens of Eaton county, who believed that he was improperly convicted.

William H. Parker and Richard Moffat, were convicted in Berrien county, in Sept. 1856, of assault and battery with intent to maim, and sentenced to two years imprisonment. Pardoned Oct. 26, 1857, upon the urgent solicitation of the bar of that county, all the county officers, the Prosecuting Attorney, and Messrs. Balch and Blair, all expressing their belief that the conviction was improper.

DeWitt C. Horton, convicted in Calhoun county, in Feb., 1856, of murder, and sentenced to solitary confinement for life. Nov. 2, 1857, sentence commuted to imprisonment with hard labor for life. This commutation was made because a strong expression has been made that he was not guilty of so high a grade of crime.

Francis Wells, convicted in St. Joseph county, in May, 1854, of rape, and sentenced to ten years imprisonment. Pardoned, Nov. 2, 1857.

In this case the good character of the convict, and the bad character of the complainant, was alleged by a great number of the most respectable citizens of St. Joseph county, in which the Prosecuting Attorney and all the other county officers united, and all joined in asking his pardon.

Martin Remington, convicted in Kalamazoo county, in Dec., 1853, of burglary and larceny, and sentenced to six years imprisonment. Pardoned, Dec. 10, 1857, upon recommendation of Governor Wood, Hon. John Crowell, Hon. S. J. Andrews, Hon. J. Watler, and many others, in behalf of this young lad, who formerly resided in Cleveland, Ohio. Pardon granted upon condition that his father takes him home.

John Waterman, convicted in Wayne county, in Dec., 1854, of rob bery, and sentenced to eight years imprisonment. Pardoned, Dec. 16, 1857, upon the recommendation of the Inspectors and officers of the the Prison, for meritorious conduct in quelling a riot in the Prison.

Margaret Seabrook, convicted in Wayne county in Sept., 1857, of keeping a house of ill fame, and sentenced to a fine of $200 and six months imprisonment in county jail. Fine and imprisonment remitted Dec. 17, 1857. This was done upon the recommendation of the Prosecuting Attorney, who said there was an understanding that if the prisoner plead guilty and gave bail for good behavior, sentence would be suspended.

James W. Petty, convicted in Jackson county, in 1847, of larceny, and sentenced to ten years imprisonment. Pardoned, Dec. 25, 1857, upon the application and recommendation of Judge Johnson, Mr. Livermore, the Prosecuting Attorney, and others, and Judge Moody, who sentenced him.

Peter West, convicted in Wayne county, in January, 1851, of rape, and sentenced to twenty years imprisonment. Pardoned January 6, 1858, upon the earnest representations of Hon. David Stuart, who prosecuted him, that he believed him innocent. He was a colored man, and all the officers of the Prison gave him a good character.

In all the cases in which I have extended clemency, I have been induced to believe that there had been a thorough reformation, and it is gratifying to be able to add, that in most of the cases, information has come to me that the recipients have become sober, industrious and useful citizens.

KINSLEY S. BINGHAM.

LEGISLATURE, 1858. | HOUSE DOC. No. 2.

[No. 2.]

REPORT of the Special Committee on financial affairs of the State.

The special committee to whom was referred the following resolution:

Resolved, That a committee of five be appointed to make such examination as may be necessary to enable them to report to this House a comparative statement of the expenses of the State government for the past ten years, the causes of our State indebtedness, and such other facts relating to the subject matter of this inquiry, as they may deem necessary for the information of this House,

REPORT:

That, having had the same under consideration, and made the examination required by the resolution, they deem it desirable to present the several subjects embraced in the resolution, in the order of time in which they have occurred, and, therefore submit, first, the following facts in relation to the "causes of our State indebtedness."

Unfortunately for our State, it assumed an independent organization in the midst of an inflated state of the currency, and of the most gigantic projects of speculation; and its rulers, partaking of the general spirit by which they were surrounded, plunged at once into extravagant legislation, for which folly the people have yet to pay.

To such an extent did the recklessness of the times influence the action of the first State administration and legislature, that the first act af-

ter their organization was to authorize the Governor to contract a loan of $100,000, to defray the current expenses of the government.

This was immediately followed by the projection of a system of internal improvements entirely beyond the necessities of the State at that time, and to complete which would have been beyond the power of the most populous and wealthy State in the Union.

In pursuance of the policy above referred to, the authorities proceeded to authorize and to issue State bonds, as follows:

General Fund Bonds,	$ 100,000
Detroit and Pontiac Railroad Bonds,	100,000
Penitentiary Bonds,	80,000
University Bonds,	100,000
Palmyra and Jacksonburg R. R. Bonds,	20,000
Internal Improvement Bonds,	5,000,000
Making a total of	$5,400,000

of State indebtedness, incurred within three years of the first organization of the government; and no means at command with which to pay the interest, except by a resort to direct taxation, and that upon a population of less than 200,000.

But the evil did not stop here. So anxious were they to obtain the money, that the whole of the *five million* of internal improvement bonds were handed over to irresponsible parties upon the receipt of less than one-tenth of the principal, and their contract taken for the payment of the balance, at future dates. These periods of payment not coming around fast enough to suit the purposes of those who handled the money, subsequent unauthorized modifications of the contracts were made, by which the State lost more than $100,000, to enable it to anticipate some of the instalments.

This money, thus easily obtained, instead of being expended upon some one important work until it was completed and rendered productive, was literally sown broadcast over the State, and squandered both upon impracticable local enterprises and partisan favorites, until, by wasteful expenditure, unfaithful agents and the failure of the contractors who had improvidently, not to say dishonestly, been entrusted with our bonds, the State was left without funds either to prosecute its works, to pay its current expenses, or the interest upon its outstanding liabilities of nearly five and a half millions of dollars: with no one of its

works completed, and without any source of revenue except direct taxation.

On the 1st of January, 1843, the amount of principal received upon our bonds, the accumulated unpaid interest, outstanding warrants and other acknowledged liabilities of the State amounted to $3,535,334 24

To which should be added 500,000 acres of land received from the United States, worth per acre, $1 25 .... 625.000 00

Making a total of $4,160,334 24

Of actual liabilities incurred and value paid out by the State authorities, in pursuance of the policy marked out and persisted in by those who are now actually clamorous to be again entrusted with the destinies and finances of the commonwealth.

The schedule of available property, presented as the product of this enormous expenditure, was:

The Michigan Central Railroad sold for $2,000,000

The Michigan Southern Railroad sold for 500,000

Making a total of $2,500,000

Of available resources applicable to the payment of the liabilities of the State, which sum, deducted from the gross expenditure above stated, leaves $1,660,334 24, actually sunk during the first eight years of the existence of the State government; to which should be added interest from the 1st of January, 1843, to the date of the sale of the railroads in the year 1846, which would make the total loss to the State about $2,000,000 in ten years, or $200,000 per annum.

The committee regret that time will not permit them to enter upon a more minute history of the financial operations of the government during the period thus briefly passed over, as such a history would be full of instruction and warning for the future, and would afford a key to the anxiety manifested by many for another exhibition of their skill in managing the monetary affairs of the State.

By the steady accumulation of interest, the aggregate liabilities of the State had risen, on the 1st of January, 1858, to the sum of $2,290,766 51

Notwithstanding the large sums which had been can-

celled by the amounts received from the sale of the railroads; and total resources of the State applicable to the payment of this debt, with the exception of the specific and direct taxes, were estimated at....	301,998 00

Which, deducted from the aggregate indebtedness, leaves $1,988,770 51
For which no provision was made beyond the taxes above referred to.

During this period of extravagant and wanton expenditure on the part of government, the people of our State were laboring under all the disadvantages incident to the settlement of a new country, and were subjected to rates of taxation so high as to materially affect the value of property and the prosperity of the State.

An accurate statement of the receipts and expenditures of the government for the past ten years, marked exhibit A., is herewith submitted —from which it will be seen that the following balances remained in the treasury at the close of each fiscal year:

1848,	Cash balance in Treasury,			$52,736 98
1849,	"	"	"	55,597 47
1850,	"	"	"	36,057 85
1851,	"	"	"	97,391 21
1852,	"	"	"	116,555 21
1853,	"	"	"	375,773 68
1854,	"	"	"	553,004 06

Total amount of balances for 7 years.....$1,287,116 48
Being an annual average of $183,873 78.

For the three years of the present administration the annual balances have been as follows:

1855,	Cash balance in Treasury,			$516,623 13
1856,	"	"	"	388,015 77
1857,	"	"	"	158,690 43

Total amount of balances for three years,.....$1,063,329 33
Being an annual average of $354,443 11.

During the former period of seven years, on an average surplus revenue of $183,873 78, the interest paid into the treasury for its use was $1,553 86, being less than *one fourth of one per cent.*

From the commencement of the present administration, the average

balance in the Treasury has been $354,443 11, upon which the interest paid into the Treasury amounts to $61,484 55, being more than *seventeen per cent.* upon the average balance for the average time, and at a ratio sixty-six (66) times greater than the interest paid into the Treasury under former administrations.

The fiscal year closes on the 30th of November, and the cash balances above stated are ascertained at that date. The balance in the Treasury at the close of the fiscal year 1854 is stated at $553,004 08; but during the month of December following, and before yielding possession to their successors, the then administration paid out of the Treasury, upon sundry claims, apparently audited for the express purpose of reducing the balance on hand, the sum of $83,962 57, so that the actual amount delivered to their successors was $469,041 51, instead of $553,004 08 balance November 30th, 1854.

It is not only due to the present administration to notice the difference between the amount received from their predecessors, and the balance at the close of the fiscal year 1854, but the character of some of the claims allowed and paid, in the short space of thirty days, is such as to require a more extended notice at the hands of your committee.

The limits of this report forbid the introduction of all the items constituting the $83,962 57, and the committee therefore submit the following:

List of Claims allowed by the late Board, subsequent to the date of the last Annual Report, being from Dec. 1st to Dec. 31, 1854, and not appearing in the Annual Report of the late Board.

Dec. 2, 1854.

Gilbert & Co., damages by reason of misrepresentation of the Commissioner of Internal Improvement made to induce a low bidding on letting contract on Clinton and Kalamazoo Canal,	$2,204 29
Phœnix Bank, N. Y., claim for advance of $16,400 on State Bonds delivered Cashier Farmers' & Mechanics' Bank, Detroit, by order of Gov. Mason for use of the State, March 13, 1838, and interest thereon,	35,603 74

Dec. 15, 1854.

Job Brookfield, second branch of claim, being for expenses and costs of suit in defence of his title to fractional quarter of Sec. 35, T. 7, S. range 17 W. and for depreciation in value of said land in consequence of action of the State,..... 4,000 00

Bronson, Knight & Ingalls, claim for damages by reason of misrepresentation of Commissioner of Int. Imp., to induce a low bidding on letting contract on Clinton and Kalamazoo Canal,..... 6,234 78

These claims in the aggregate amount to $48,042 81; and it is believed that not one dollar of the amount was justly due from the State, or to the individuals who obtained the money. So manifestly unjust was the claim of the Phœnix Bank, that the Attorney General commenced a prosecution in the Courts of New-York for the recovery of the money, and obtained a judgment against the bank for the amount; and it is probable that like success would follow prosecution in the other cases did the responsibility of parties justify such proceeding.

These claims were of some fifteen years standing, and had been repeatedly rejected by the State authorities, who were familiar with their origin.

Less culpable, because more likely to be the result of carelessness, was the allowance to Geo. W. Peck of $450 on the 18th of May, 1853, and again on the 18th August, of the same year, another allowance of the same amount for the same work, making double pay, within three months, for binding 4,500 copies of the sessions laws. Copies of the vouchers are herewith submitted, marked B.

It is with great reluctance that the committee are compelled, in the discharge of their duty, to refer to a fraudulent issue of the bonds of the State by Auditor General Swegles, by which the State loses, so far as known at present, only the small sum of $2,269 40, and interest thereon. The insignificance of the amount, and the high character and position of the gentleman involved in the transaction, would preclude belief in the [illegible] were the vouchers not on file in the department, which furnish indubitable proof of the fact.

Your committee are driven to the conclusion that a more rigorous investigation into the history of the past than they have been, for want

of time, enabled to make, would disclose other transactions of a similar character, if not to a far greater extent. It is hardly to be supposed that men who would enter upon a deliberate system to deplete the treasury as they were about to surrender its custody, would be restrained from like transactions during a long period in which they believed that no scrutinizing eye would be brought to bear upon their operations, and none but friends would have access to the archives which contained the proof of their departure from duty.

The following table exhibits the total assessed value of property in the State, the amount of State tax, and the rate per cent, for the ten years therein specified:

Comparative Statement of State Tax, from 1848 *to* 1857, *inclusive* —10 *Years.*

Year.	Valuation.	Tax.	p.cent. in mills.
1848,	$29,908,769 00	$150,719 00	5.04
1849,	28,999,202 00	102,406 00	3.53
1850,	29,384,270 00	113,768 00	3.87
1851,	30,976,270 00	106,000 00	3.42
1852,	30,976,270 00	110,000 00	3.55
1853,	120,362,474 00	10,000 00	0.08
1854,	120,362,474 00	30,000 00	0.25
Total,	$390,969,729 00	$622,892 00	1.59
1855,	$120,362,474 00	$40,000 00	0.33
1856,	137,663,009 00	65,000 00	0.47
1857,	137,663,009 00	85,065 00	0.61
Total,	$395,688,492 00	$190,065 00	0.47

Average valuation, for first seven years, ... $ 55,852,818

" State tax, per year, ... 88,984

" per cent, or mills per dollar, 1½ mills.

For the second period of three year:

Average valuation for three years, ... $131,896,164

" State tax per year, ... 63,335

" rate per. cent., or mills per dollar, 48-100 of a mill.

During the first period of seven years, from 1848 to 1854 inclusive, the total valuation of property for the whole period, was, $390,969,929

The total amount of State tax assessed, ... 622,892

And the average rate per dollar, 1½ mills.

During the first three years of the present administration, the total assessed value of property in the State was,..... $395,688,492
Total amount of State tax,..... 190,065

The average rate per cent., 48-100 of a mill:

Showing an average annual tax of $25,629 less than during the former period; and that upon a valuation of $96,043,346 greater—being a difference of *over one hundred per cent.* in the rate of taxation in favor of the present administration.

This fact alone, if allowed its full weight, is conclusive as to the comparative economy of the present and former administrations, when contrasted with the increased population and magnitude of the interests within the range of governmental care and supervision.

The sum of receipts or expenditures furnish no criterion by which to judge of the extravagance or economy of the agents through whose hands they pass; but the objects upon which such expenditures are made, and the fidelity with which the funds are applied to those objects, are the only true and reliable tests.

Since the sale of our works of internal improvements, there has been an apparent reduction of outstanding State indebtedness, and most of the time a surplus in the Treasury; and it may not be inappropriate to inquire into the causes of this sudden and seeming improvement in our financial condition.

Till within a short time there has been a large amount of outstanding part-paid State bonds, upon which the State paid no interest; and thus, while we had a surplus fund which could have been applied to prevent the annual increase of our liabilities, it was used for other purposes, and the interest upon our bonds suffered to accumulate until the bond-holders would surrender them and take new bonds for the amount actually due from the State.

Another source of the large surplus in the Treasury, was the system adopted in relation to our *Trust Funds*, by which the principal was loaned to the State as fast as received, and used for the payment of current expenses or outstanding liabilities.

This system, established early in the history of the Government, has remained in force to the present time.

Up to the 30th November, 1854, the amount thus borrowed from the various Trust Funds was $676,288 80, upon which the State must

pay interest, at the rate of seven per cent., which interest must be raised by taxation, or a resort to the accumulating principal of the Trust Funds, and thus increasing the principal upon which interest must be paid for the ensuing year: so that our Trust Funds, instead of being a large amount of money invested, upon which the State has only to receive the interest, consist of ledger balances in favor of the respective funds, upon which the State must pay interest annually.

The amount of the Trust Funds received into the Treasury since 1854, is $186,765 10, which, in accordance with the former policy of the State, and of existing laws, has been applied either to the reduction of State liabilities, payment of current expenses, or for the objects of the trust.

So long as the State is a borrower, the wisdom of this policy will not be questioned, for the reason that the State can as well pay interest to these Trust Funds as to other creditors. Nevertheless, the tendency of such a policy is to increase expenditures beyond the actual ability of the State to pay. And there can be no doubt but sound policy would dictate that the State, without resort to this source, should, at as early a day as practicable, make full provisions from its ordinary revenue to meet all its expenditures.

Your committee present the following statement, exhibiting the condition of the Treasury on the 26th of the present month, as appeared from the books and vouchers in that Department:

Balance on hand Nov. 30th, 1857,	$158,690 43
Receipts to date,	19,158 67
Making a total of	$177,849 10

DISBURSEMENTS.

Journal of Education,	$552 00
University interest,	4,916 99
T. M. Cooley, for compiling laws,	1,400 00
Salaries,	8,046 89
State Prison building,	1,000 00
Agricultural College,	2,000 00
State Prison expenses,	5,000 00
House of Correction,	2,000 00

Redemption certificates,	3,326 10
Awards of Board of State Auditors,	915 48
	$29,157 46
Balance on hand,	148,691 64
	$177,849 10

The above balance is made up of the following items:

*Coupons paid in N. Y. and Detroit, Jan. 1,	$57,714 90
Deposits in Peninsular Bank,	23,934 38
*Vouchers for warrants,	8,612 29
*Redemption certificates,	1,894 85
*State contractors and salaries,	19,726 23
Cash on hand,	36,808 99
	$148,691 64

A letter from the State Treasurer (marked exhibit B) is herewith submitted, describing the securities held for the amount deposited in the Peninsular Bank, and it is believed that they are ample, and will, beyond doubt, secure the State against ultimate loss.

Great care and sagacity must have been exercised on the part of the Treasurer in loaning the surplus revenue to the extent of realizing more than $60,000 of interest within three years, without loss of any portion of the principal, and with no inconvenience to the State beyond the temporary suspension of about $23,000.

The available cash balance in the Treasury was reduced, on the 26th inst., to $36,808 99. This reduction so far below the balances of former years, has been occasioned partly by a falling off in the receipts, in consequence of defects in the general tax laws, but principally by the general derangment in the monetary affairs of the country, and by the large payments made during the past two years upon the State indebtedness, and to the several Trust Funds—amounting, for the year 1856, to | $264,849 03
And for the year 1857, to | 337,383 54
Making a total of | $602,232 57

*These items are charged up on the 1st of the ensuing month, and are closed by warrants

Prudence would at all times dictate that the funds of the State, as fast as received in the Treasury, should be applied to the payment of its liabilities, and the balance in the Treasury kept at as low a point as the convenience of the State will permit, thereby inducing economy in expenditures, and throwing upon each year the burthens which properly belong thereto.

All of which is most respectfully submitted.

LEWIS PORTER,
DEXTER MUSSEY,
SIDNEY T. SMITH,
E. J. HOUSE,
Committee,

EXHIBIT A.

Table exhibiting the Receipts and Expenditures of the State, from the year 1848 *to* 1857, *inclusive.*

1848.

RECEIPTS.

On account of	General Fund,	$145,359 48
"	Internal Impt. Fund,	135,120 12
"	Primary School "	27,450 73
"	" Interest,	46,546 17
"	State Building Fund,	1,425 43
"	University "	11,586 72
"	" Interest,	20,628 52
"	M. C. R. R. Co., under sec. 7, act No. 42, of 1846,	4,575 83
Total,		$392,693 00

EXPENDITURES.

Amt. paid on account of		Contingent Fund,	$ 569 70
"	"	General "	185,367 69
"	"	Int. Impt. "	150,773 66
"	"	Primary, School Fund,	32,605 20
"	"	University Interest,	25,119 88
"	"	State Buildings,	8,038 22
"	"	Treasury Notes burned,	539 00
"	"	M. C. R. R. deposits,	1,413 00
Total,			$404,426 35

1849.

RECEIPTS.

On account of	General Fund,	$213,008 51
"	Int. Impt. "	208,911 61
"	Primary School Fund,	17,918 72
"	University "	16,233 67
"	Primary School Interest,	31,045 85
"	University "	10,741 80
"	State Building Fund,	1,850 84
"	M. C. R. R. deposits,	454 06
Total,		$494,165 06

EXPENDITURES.

Amount paid from	General Fund,	$154,740 55
"	Int. Imp. "	280,122 33
"	Contingent Fund,	1,616 29
"	State Building Fund,	1,793 91
"	on account of Treasury Notes burned,	246 00
"	" Primary School Int.,	40,321 84
"	" University Int.,	11,397 27
"	" M. C. R. R. deposits,	1,066 38
Total,		$491,304 57

1850.

RECEIPTS.

On account of	General Fund,	$206,192 58
"	Internal Impt. Fund,	140,358 38
"	Primary School "	22,461 90
"	University "	9,881 39
"	Pri. School Interest,	34,028 31
"	University "	10,473 31
"	M. C. R. R. Co., deposits	524 50
"	State Building Fund,	3,165 15
"	Asylum "	661 14
"	Normal School "	2,150 00
"	" Interest,	15 26
		$429,941 92

EXPENDITURES.

On account of	General Fund,	$167,871 65
"	Int. Imp. "	221,901 86
"	Primary School Interest,	43,921 47
"	University "	12,817 11
"	Contingent Fund,	572 24
"	M. C. R. R. Co. deposits,	415 24
"	State Building Fund,	532 07
"	Treasury notes burned,	42 00
"	Asylum Fund,	544 53
"	Normal School Fund,	611 60
"	" " Interest,	221 77
Total,		$449,451 54

1851.

RECEIPTS.

On account of	General Fund,	$210,049 22
"	Int. Imp. "	100,900 57
"	Primary School Fund,	40,540 22
"	University "	11,534 52
"	Primary School Interest,	35,044 27
"	University "	9,724 53
"	State Building Fund,	1,453 57
"	Asylum "	729 95
"	Normal School "	3,001 05
"	" " Interest,	206 28
"	M. S. R. R. Co. deposits,	606 00
		$414,390 18

EXPENDITURES.

On account of	General Fund,	$149,725 97
"	Int. Imp. "	139,162 82
"	Primary School Fund,	49,160 29
"	University "	9,827 91
"	Contingent "	337 59
"	M. C. R. R. deposits,	141 81
"	Treasury notes burned,	26 00
"	Asylum Fund,	1,577 18
"	Normal School Fund,	2,380 31
"	" " Interest,	717 03
		$353,056 82

1852.

RECEIPTS.

On account of	General Fund,	$261,141 67
"	Internal Improvement Fund,	86,396 60
"	Primary School do.	32,399 81
"	University do.	15,911 73
"	Primary School Interest do.	37,487 87
"	University do. do.	11,644 69
"	State Building, do.	2,557 50
"	Asylum do.	844 02
"	Normal School do.	1,613 33
"	do, Interest do.	980 75
M. S. R. R. Co. deposits,		105 00
Total,		$451,082 97

EXPENDITURES.

On account of	General Fund,	$116,084 63
"	Internal Improvement Fund,	238,913 55
"	Primary School "	40 42
"	" Interest "	59,907 31
"	University " "	11,524 09
"	Contingent,	225 37
"	M. C. R. R. Co. deposits,	222 87
"	State Building Fund,	10 55
"	Treasury Notes burned,	77 00
"	Asylum Fund,	89 60
"	Normal School Fund,	3,556 80
"	" Interest Fund,	275 00
"	M. S. R. R. Co. deposits,	339 28
"	Swamp Land Fund,	652 50
Total,		$421,918 97

1853.

RECEIPTS.

General Fund,	$373,515 51
Internal Improvement Fund,	74,952 14
University "	34,984 44
" Interest "	11,287 97
State Building "	2,651 21
Primary School "	107.417 20
" Interest "	43,664 65
Asylum "	1,710 91
Normal School "	3,909 79
" Interest "	1,319 04
St. Joseph Valley R. R. deposits,	255 00
Total,	$655,667 86

EXPENDITURES.

General Fund,	$205,833 12
Internal Improvement Fund,	112,404 92
University Interest "	15,105 45
Primary School "	54,517 06
Contingent "	214 00
Asylum "	1,993 49
Normal School "	1,479 57
" Interest "	3,731 38
Sault Ste. Marie Canal "	1,071 92
Swamp Land "	2 89
M. C. R. R. deposits,	80 68
M. S. R. R. "	15 00
Total,	$396,449 39

1854.

RECEIPTS.

General Fund,	$269,737 04
Internal Improvement Fund,	65,761 70
Primary School Fund,	116,991 85
University Fund,	31,384 79
Primary School Interest Fund,	44,364 84
University Interest Fund,	13,740 88
State Building Fund,	8,263 28
Asylum Fund,	6,487 01
Normal School Fund,	4,591 37
" Interest Fund,	1,783 79
Swamp Land Fund,	47,094 13
" Interest Fund,	198 41
M. S. R. R. Deposits,	200 00
O. & O. R. R. Deposits,	100 00
Total,	$610,699 97

EXPENDITURES.

General Fund,	$200,573 06
Internal Improvement Fund,	92,308 06
Primary School Fund,	495 58
" Interest Fund,	74,028 66
University Interest Fund,	28,222 09
Contingent Fund,	393 65
State Building Fund,	7 70
Asylum Fund,	25,631 54
Normal School Endowment Interest Fund,	8,132 56
Swamp Land Fund,	535 07
Swamp Land Interest,	2,594 60
Treasury Notes burned,	11 00
M. C. R. R. Deposits,	66 00
M. S. R. R. Deposits,	350 00
St. Joseph Valley R. R. Deposits,	140 00
Total,	$433,469 57

1855.

RECEIPTS.

Nov. 30.	Recepts on account of	General Fund,	$341,926 03
"	"	Internal Imp't Fund,	61,303 72
"	"	Primary School "	62,228 45
"	"	University "	24,199 48
"	"	University Int. "	17,794 33
"	"	Pri. Sch. Int. "	59,281 87
"	"	State Building "	3,828 47
"	"	Asylum "	5,393 35
"	"	Nor. Sch'l End. "	3,814 51
"	"	" Int. "	2,590 55
"	"	Swamp Land "	3,435 49
"	"	" Int. "	4,600 68
Total,			$588,396 93

EXPENDITURES.

Nov. 30.	By am't paid out on	acc't of General Fund,	$354,651 17
"	"	" In. Imp't "	80,410 59
"	"	" Pri. Sch. "	758 67
"	"	" " Int.	84,062 44
"	"	" University Int.	36,912 09
"	"	" Treasury Notes,	53 00
"	"	" St. Build, Fund,	517 54
"	"	" Asylum "	59,214 53
"	"	" N. S. End. "	67 56
"	"	" " Int.	6,568 08
"	"	" Swamp L. Fund,	190 67
"	"	" S. M. Canal "	702 80
"	"	" Swamp L. Int.	623 74
"	"	Deposits of O. & O. R. R.,	45 00
Total,			$624,777 88

1856.

RECEIPTS.

On account of General Fund,		$293,746 92
"	Int. Imp. "	58,765 86
"	Primary School Fund,	49,060 61
"	" " int. "	62,310 56
"	University "	8,171 13
"	" Int. "	18,307 42
"	State Building "	2,156 72
"	Asylum "	4,623 92
"	Nor. School end't "	4,463 37
"	" " int. "	2,715 07
"	Swamp Land, "	2,328 32
"	" Interest	4,619 09
"	O. O. R. R. Deposits,	2 70
		$ 511,271 70

EXPENDITURES.

On account of General Fund,		$349,585 26
"	Int. Imp. "	93,624 87
"	Pri. Sc. "	200 00
"	" Interest,	100,550 60
"	University Fund,	131 00
"	" Interest,	34,724 17
"	M. C. R. R. Deposits,	92 00
"	State Building Fund,	5,000 00
"	Asylum "	44,192 13
"	Nor. Sc. Interest "	11,367 74
"	Swamp Land "	17 22
"	" Interest,	344 17
"	Deposits O. & O. R. R.,	50 00
Total,		$639,879 06

1857.

RECEIPTS.

On account of General Fund,	$280,904	58
" Int. Imp't Fund,	33,846	94
" Primary School "	26,203	82
" Pri. School Interest,	66,667	65
" University Fund,	9,032	47
" " Interest,	18,380	96
" State Building Fund,	1,596	99
" Asylum, "	3,857	61
" Nor. Sc. End. "	1,525	67
" " Interest,	3,000	55
" Swamp Land Fund,	1,876	37
" " Interest,	4,628	99
" M. C. R. R. Deposits,	131	25
Total,	$450,683	85

EXPENDITURES.

On account of General Fund,	$341,915	07
" Int. Imp't Fund,	127,563	55
" Pri. Sch. "	316	31
" " Interest,	108,151	79
" University Interest,	31,796	23
" M. C. R. R.,	34	14
" State Building Fund,	4	94
" Asylum Fund,	56,945	67
" Nor. School, "		80
" " "	10,063	18
" Swamp Land "	187	51
Total,	$679,979	19

EXHIBIT B.

STATE OF MICHIGAN:

1853. To Geo. W. Peck, DR.

May 7. To binding 4,500 copies of Session Laws of 1853, at 10c, ... $450 00

The above work has been done, and the number of copies have been delivered.

ROD. R. GIBSON,
Dep. Sec'y State.

$450 00. Received of the Auditor General a warrant upon the Treasurer of the State of Michigan, for the sum of four hundred and fifty dollars, and ..... Cents, in full of the above account.

GEO. W. PECK.

Lansing, Aug. 18, 1853.

STATE OF MICHIGAN:

1853. To Geo. W. Peck, DR.

May 7. To binding 4,500 copies of Session Laws of 1853, at 10c..... $450 00

The above is correct.

ROD. R. GIBSON,
Dep. Sec'y of State.

$450 00. Received of the Auditor General a warrant upon the Treasurer of the State of Michigan, for the sum of four hundred and fifty dollars and ..... cents, in full of the above amount.

GEO. W. PECK.

Lansing, May 19, 1853.

STATE TREASURER'S OFFICE,
Lansing, Jan. 27, 1858.

To HON. LEWIS PORTER, *Chairman.*

DEAR SIR:—In obedience to a resolution of the House of Representatives, and at your request, I herewith hand you a statement of the receipts and disbursements, as appears from the books of this Department, since the date of my last annual report. This statement will show the balance on hand, and what the same is composed of.

The amount due from the Peninsular Bank is fully and amply secured by the notes of hand and drafts of the following parties, viz: E. B. Ward, F. E. Eldred, endorsed by Eldred & Balcomb, of Chicago, Nelson P. Stewart, endorsed by J. P. Whittemore, William Warner & Co., Willcox Luff & Fuller, draft accepted by E. W. Hudson. These notes and drafts were taken as collateral for the amount due from the Bank, which transaction was done under the advice and by the approval of the Auditor General, Secretary of State, and the Attorney General.

I have the honor to remain,

Your obedient servant,

S. M. HOLMES,

State Treasurer.

Receipts and Expenditures for Interest on the Trust Funds.

	1852. Receipts	1852. Expenditures	1853. Receipts.	1853. Expenditures.	1854. Receipts.	1854. Expenditures.
Primary School Int.	$37,487 87	$59,907 31	$43,664 65	$54,517 06	$44,364 34	$74,028 66
University Interest.	11,644 69	11,524 09	11,287 96	15,105 45	13,740 88	27,222 09
Normal School Int.	980 75	275 00	1,319 04	3,731 38	1,783 79	8,132 56
Total, ...	$50,113 31	$71,706 40	$56,271 65	$73,353 89	$59,889 51	$110,383 31

	1855.		1856.		1857.	
Primary School Int.	$57,281 87	$84,062 44	$62,310 56	$100,450 35	$66,667 65	$108,151 79
University Interest.	17,794 33	36,912 09	18,307 42	34,724 17	18,380 96	34,796 23
Normal School Int.	2,590 55	6 568 08	2 715 07	11,367 74	3.000 55	10,063 18
Total,.....	$77,666 75	127,542 61	$83,333 05	$146,542 26	$88,049 16	$153,011 20

Recapitulation.

Year.	Receipts.	Exp'nditures	Year.	Receipts.	Exp'nditures
1852,.....	$50,113 31	$71,706 40	1855,.....	$77,666 75	$127,542 61
1853,.....	56,271 65	73,353 89	1856,.....	83,333 05	146,542 26
1854,.....	59,889 51	120,383 31	1857,.....	88,049 16	153,011 20
Total expenditures,.....		$255,443 60	Total expenditures,.....		$427,096 07
Total receipts,.....		166,274 47	Total receipts,.....		249,048 96
Excess of expend's over rec'pts,		$89,169 13	Excess of expend's over rec'pts,		$178,047 11

Excess of expenditures of the last three years over those of the former, $88,877 98.

Amount of Interest paid on the State Debt.

1852, ...	$56,151 85	1855, ...	$53,457 96
1853, ...	71,493 43	1856, ...	90,068 89
1854, ...	55,621 74	1857, ...	128,117 79
Total, ...	$183,267 02	Total, ...	$271,644 64

Excess of payments during the last three years over those of the former, $88,377 62.

Five Million Loan.

May, 1838.	Amount of Bonds issued,.....	$5,200,000 00
	Of which the State received pay in full,.....	1,387,000 00
	On $3,813,000 00 the State received only.....	955,960 24
Jan. 1, 1858.	Amount of adjusted bonds issued,.....	$1,809,395 73
	Part paid bonds outstanding, which when funded will amount to...	113,399 72
	Total,.....	$1,922,795 45
	Deduct the original indebtedness,.....	955,960 24
	Shows the amount of interest that has been or will be incorporated with the original debt, in the adjusted bonds,.....	$966,835 21

LEGISLATURE, 1858.

HOUSE DOC. No. 3.

[No. 3.]

MINORITY REPORT of the Select Committee on financial affairs.

The undersigned, one of the select committee of five, appointed in accordance with the following resolution, to wit:

Resolved, That a committee of five be appointed to make such examination as may be necessary to enable them to report to this House a comparative statement of the expenses of the State government for the past ten years, the causes of the State indebtedness, and such other facts relating to the subject matter of this enquiry as they may deem necessary for the information of this House,

Respectfully submits his minority report, stating at the same time, that, while the majority of the committee had all the advantages, and enjoyed all the facilities of information, through the assistance of the full corps of State officers, and their clerks in the different departments, while the majority, through the chairman of said committee, derived, during the adjournment of said committee, all the necessary information they needed for a thorough investigation, the undersigned was obliged to go into the investigation single-handed, and was obliged to gather his comparative statistics from the printed official reports of the different State departments.

In going back ten years, to 1848, according to the resolution, the undersigned finds, that in the commencement of that year there was on

hand in the State treasury, the sum of $62,304 45, which amount, under a system of economy in the auditing of accounts, increased gradually from year to year, until at the commencement of the year 1855, at which time the present State administration assumed the management of our State affairs, we were enabled to present them with a well stocked treasury, amounting to upwards of half a million of dollars. The expenditures during those seven years of the Democratic administration were annually from $371,491 47, the lowest, in 1848, to $449,355 40, the largest, in 1850; showing a less expenditure, taking even the largest amount, in 1851 of $96,848 18, in 1852 of $17,436 43, in 1853 of $52,906 01, and in 1854 of $15,885 83, including the expenses of five long sessions of the legislature and a constitutional convention during that period of seven years, than the average of three years of the Republican administration. On the other hand, the undersigned discovers that the expenditures during the period commencing with 1855, at which time the present administration took charge of the affairs of the State, increased upon our disbursements of 1850, in 1855 $175,422 48, in 1856 $190,523 66, and in 1857 the enormous sum of $230,623 79, with only two short sessions of the legislature during that period.

A comparative statement of aggregate expenditures of every three years during the last nine years, comprising 1849, '50 and '51, show $1,201,862 62 during that time, or an average of $403,621 per annum; during the term comprising the years 1852, '53 and '54, $1,261,837 93, or an average of 420,612 64 per annum; while during the term comprising the years 1855, '56 and '57, the aggregate expenditures were $1,944,636 13, or an average of $648,212 04 per annum; being an increase of upward of fifty per cent.

Had the same system of economy existed in the expenditures of the general fund—had the same disposition been manifested of spending less than was received—had the surplus funds increased in the same ratio from 1855 to 1858 as they were increased from 1850 to 1855, our funded State indebtedness could have been reduced upwards of one million dollars, or there would have been on hand in the Treasury of the State at the close of the fiscal year 1857 the sum of $1,155,212 63 which amount would have enabled the department to meet the actual and probable demands upon the State for the year 1858, and would

have left us besides at the end of this year a surplus in the Treasury of $876,670 35, with which the State could have proceeded to meet the deficiency on the different appropriations of public character.

A very important item in those increased expenditures is to be found in the general fund, especially in the audited accounts for paper, printing and stationery, and a similar comparative statement as above for the years 1849, '50 and '51, with an aggregate amount expended of $35,909 67, show an average of $11,969 89 per annum; for the year 1852, '53 and '54, with an aggregate amount of $38,159 85, show an average expense of $12,119 95; while for the term comprising the years $1855, '56 and '57 the aggregate expenditure was $96,458 94, or an average of $32,152 98 per annum; being an increase of nearly three hundred per cent. over the expenditures of each of the preceding six years of the Democratic State administration.

The general fund department of last year was particularly remarkable for its *unscrupulous prodigality* in the auditing of accounts for paper, printing and stationery, and has no parallel in the financial history of this State, the same amounting to $52,233 10, for that *single* year, exceeding the aggregate amount of any preceding four years together, before 1855. The undersigned was not astonished at the magnitude of that account, when he discovered the exorbitant prices charged for some of the articles in that line, such as paper at $26 per ream; manilla wrapping paper at $13 per ream; hundreds of reams of printing paper at $10 75 per ream; and hundreds of reams of letter paper at $12, besides a multiplicity of minor articles, such as gold pens, pencil cases, knives, and other luxuries, too numerous to mention. A similar unwarranted increase during the last three years, is to be found in the expenditure for postage, being a proportion of $1,921 43 for 1848, '49 and '50, with three lengthy sessions of the Legislature, to $3,869 48 for 1855, '56 and '57, with only two short sessions of the Legislature, or an increase of one hundred per cent. I also find upon investigation, that, in comparing the average expenditures for the short sessions of the Legislature, they have not been any less than those of the lengthy sessions prior to 1856.

The annual expenses for salaries of State officers do not differ materially for the last ten years, the lowest amount being in 1851, $10,508 52, and in 1857, $13,550. A larger increase, however, is experi-

enced in the State Department in the payment of extra clerks, extra compensation to State officers, and travelling expenses of State officers and their clerks, by which, under the plea of "on official business," the Treasury has been pilfered to a large extent. The undersigned believes that, as those officers are liberally paid by the State for their services, it is the duty of the Board of State Auditors to scrutinize closely and thoroughly the character and correctness of such accounts before auditing the same, and to reject any claim of a dubious character.

The items for traveling expenses, for extra clerks and extra compensation for 1857 alone, according to the report of the State Auditors, foot up nearly six thousand dollars, of which I will cite a few of the most notorious allowances under my notice. In the list of claims allowed by the board in 1857, the undersigned noticed one of $305 for traveling expenses to Jonas H. Titus; upon information on the subject, I am convinced that the object of the journey was of a more political character—that of attending the Republican Convention at Pittsburg—than the design of acquiring information in regard to the solitary cell system of the State Prison there. Another claim of $68, to J. McKinney, Secretary of State, for traveling expenses to Boston to select paper for the compilation of laws, was a useless and unwarranted expense, and could well have been avoided by sending after samples. Another claim of $50, for the translation of the Governor's Message into the Chippewa language, was of no material utility, as not a single copy of said translation has ever come to light, and not one has ever reached those localities in the northern portions of the State, where those messages were intended to be distributed. Nearly two thousand dollars were expended last year for the improvement of the capital square; the undersigned has taken pains to ascertain the locality and the extent of those improvements, but is at a loss to find any within the circuit of the capital ground, and therefore respectfully solicits some information in this matter.

Aggregate charges of $1,474 81 for fitting up the capital for the session of the Legislature, are also incomprehensive to the mind of the undersigned, and if the varnishing of the furniture in the capital was the only thing done, covered by this claim, I sincerely hope that in future the varnish will be procured from Detroit, where this costly material can be procured at a much less figure.

By reference to a communication of Hon. S. B. Treadwell, Commissioner of the State Land Office, published in the House Journal of 1857, dated February 11th, 1857, the undersigned learns that, notwithstanding the assurances of that gentleman that the State had assumed no liability and incurred no expense by the appointment of a trespass agent for the Upper Peninsula, the sum of $150 has been paid to Mr. J. Harvey for services, and audited by the Board of State Auditors. The undersigned respectfully recommends an investigation of this affair.

In the annual report of the Board of State Auditors of 1855, the undersigned finds a claim allowed for $408 80, to K. S. Bingham, Whitney Jones and Silas M. Holmes, for traveling expenses and attendance to Sault Ste. Mary, which was a most injudicious and unwarranted disbursement of the public funds, as this expenditure was not based upon any legislative act and authority.

Many other claims of less magnitude, too numerous to mention, have been audited by the Board, which in the aggregate amount to quite a handsome sum, and would have aided the treasury materially in this present embarrassment. The enormous and unwarranted increase in the expenditures during the years 1855 and 1856, and the consequent decrease of the funds in the treasury, which had melted down from $553,004 08 to $388,015 77, in one year, should have impressed the Executive, the different Bureaus of the State Department, and the superintendents of the different public institutions, with the necessity of exercising the greatest economy, the most prudent calculation in their estimates, the strictest integrity in the handling of the public funds. Every encroachment upon the treasury, from whatever quarter, should have met with a prompt rebuke by the Executive. But what do see at the commencement of 1857? In spite of the forebodings of a bankrupt treasury, the Republican legislature, bewildered by their late success in carrying the State administration, voted hundreds of thousands of dollars for appropriations to Asylums, State Prison, House of Correction, Agricultural College, Improvement of Rivers, Compilation of Laws, and an appropriation for Kansas, not calculating or caring where the funds should come from to meet the same. Every one of the Republican heroes of the last campaign is after a slice for his reward, and together they finally succeeded in blocking the wheels of the State government. Those reckless appropriations, and unscrupulous prodigality in

the expenditures of the public funds, were two of the *main causes* of continuing our State indebtedness, and of our present embarrassment. But more: let us see how those public institutions of necessity and humanity have been managed. With the exception of the Asylum for the Deaf, Dumb and Blind at Flint, most miserably have they been conducted. A comparative statement in the expenses for the support of the State Prison, show an aggregate of about $26,000 for any three years during the Democratic administration, while the expenditure for 1857, charged in the General Fund account for that purpose, is $25,000 for that single year, with an additional estimate of $25,000 for 1858. This three-fold increase on the expenditure of any year prior to 1855, is so much more noticeable, when we consider the greatly enhanced prices obtained for manual labor of the convicts, which had increased during the last three years from 31 to 56 cents per day, thereby making a difference in favor of the State of about $14,000 per annum, which, by a prudent and economical management, should have made it long ago a self-paying institution. Upon the recommendation of the Executive of the State, in his annual message of 1855, which reads as follows: "I recommend an increase of the salaries of the officers and keepers of the Prison, in order that a higher grade of talent may be employed in the management of its affairs," the expenditures for salaries of the officers of that institution were raised accordingly at the tune of nearly five thousand dollars per annum, for which sum a grade of talent was procured which more than doubled the expenditures of that institution without additional benefit to its interior management.

A similar institution—the House of Correction for Juvenile Offenders—has also been a grievous burden to the Treasury of the State, on account of the recklessness with which its interior affairs have been managed. I find upon investigation, that, including the amount obtained for manual labor of the convicts, nearly $19,009 have been consumed by that institution during the last year, to support an average of thirty boys and girls—being an average expense of nearly $650 per annum for each of the inmates. The details of their expense for clothing, shoes, provisions, etc., will at a glance account for the high figures of the aggregate expense.

For two years' maintenance of the Agricultural College, an appropriation of $40,000 was made by the Legislature of 1857, together with a

balance on hand of an old appropriation of about $12,000, placed at the disposal of that institution for *two* years' maintenance, the sum of $52,000. I find, by referring to the general fund account, that $48,619 was already consumed on the 30th day of November last, in the short period of nine months, leaving a balance of $3,380 99 only for the support of that institution for fifteen months. That the corps of managers of that institution is entirely void of competency to be entrusted with its affairs, is proved by this disproportionate division of the appropriation.

Under a joint resolution passed in the Senate and House of Representatives in 1857, the Board of State Auditors were instructed to settle with Whitney Jones, on just and equitable terms, for a lot of land adjoining the House of Correction, deeded by him to the State. The undersigned states to the best of his knowledge, and upon inquiry of several members of this House, that he and they understood distinctly during the debate and the subsequent action of the House on said resolution, that $600 was all that was claimed by the owner of the land. He respectfully refers to the claim allowed him by the Board of State Auditors, according to which $2,931 was paid to the said Whitney Jones for the above named land. The undersigned considers this transaction one of the most outrageous violations of faith on record of an officer, who, in his position, should have the highest regard for the welfare of the State. This owning of lands by State officers at just the point where a public building is contemplated to be erected, or the erection of public buildings on lands owned by State officers, from whom the same would have to be purchased, looks suspicious, at any rate, and a law should be enacted preventing the evil of a direct or indirect ownership of such lands by such State officers.

The undersigned discovers, by perusing the statement of tax sales for the year 1857, that $54,012 13 of tax lands were returned to the State. This deficiency in the revenue of the State is to be attributed to the obstinacy of the Auditor General, who repudiated the decision of the Supreme Court, and prevented thereby the bids on those lands. The State was, by this transaction, deprived in 1857 of a revenue of $50,000.

A comparative statement of the assessment of state taxes for the last ten years can hardly be arrived at with any certainty and correctness, as the valuation of property in the State from 1848 to 1852 averaged only about $29,000,000, consequently a higher rate of taxes had to be assessed

in the same, while from 1853 to 1857 the average valuation of property in the State was about $125,000,000, consequently a considerable lower rate of the mill taxes was introduced by the action of the Legislature. These figures show that under the "Democratic Rule" the one and a half mill taxation on the $29,000,000 of valuation, against the Republican management of one-half mill to $128,000 000 valuation, the taxes in the State were lighter on the people by fifty per cent.; and still in 1853 and 1854, being years of the Democratic administration, the tax was only $40,000 for two years, while in 1857, in that *single* year the tax amounted to $85,000; the valuation being nearly the same. These official figures speak for themselves, and when the Republican organs of this administration accuse the Democratic party of overtaxing the people of the State, the undersigned believes that the present administration intended to deceive the people on the figures of the valuation of property.

The State Treasurer in his annual report for the year 1857, claims as one of the apologies for the present condition of the Treasury, that he has taken up within the years 1855, '56 and '57, Bonds to the amount $147,035 34. In contrast with this statement, the undersigned discovers by reference to the official reports of 1852, '53 and '54, that while the Democratic administration was steadily increasing the funds on hand at the end of the fiscal year 1852, '53 '54, from in 1852 $116,407, in 1853 $375,773 68, in 1854 $553,004 08, they also paid a much larger amount of public debts, to wit: in 1852, $175,500, in 1853, $20,989 75, in 1854 $57,524 87, being an aggregate of $254,012 62. By these comparative statements it will be seen that during the administration of those three years, the Democrats extinguished $254,012 62 of the public debt, which, including the $455,622 87 excess of the revenue over the expenditure, caused by an economical management, gave the State the aggregate of $709,635 49—to which the Democratic party have a right to look upon with pride.

The undersigned has thus so far shown, and he hopes successfully, that during that term of the administration, which the Republican organs of the administration had the courtesy to term "Iron Rule of Democracy," the savings in gross to the expenses of the Government were $1,000,000; the canceling of State indebtedness over $250,000; the decrease of more than one-half in the taxation of the people; the

steady accumulation in the Treasury, the savings in detail on paper, printing and stationery was nearly 300 per cent.; in postage, 100 per cent.; while the rule of a Republican liberality and grab-game system, that most material institution in the State department, "the Treasury," by the sincere assurances of its "Cerebus," stands on the verge of bankruptcy and ruin. In this exigency and dilemma the Governor recommends in his present message a temporary loan to meet the deficit for this year's estimates, and instead of acknowledging frankly and modestly that a portion of the public censure and rebuke is claimed by him, he leaves his associates to take care of themselves by saying in the same document: "Where money has been expended through agents of *my* appointment and under *my* supervision, it has been done with a fidelity to the public interest worthy of praise."

The undersigned procured from the office of the Secretary of the Treasury a cash statement of receipts and disbursements since November 30th last, and will give it a short analysis, for the purpose of justifying the people when they complain of an empty Treasury. The resolution being defective and one sided, in not having given the committee the authority and power to examine books, papers and funds, and witnesses under oath, as was requested by the undersigned, the investigation could not be carried on to any extent, and the undersigned cannot, therefore, vouch for the correctness of there being on hand *to-day* in the Treasury, as reported to him, the sum of $36,000 in cash and subject to draft, and $23,934 38 deposits in the Peninsular Bank. All the authority of this statement is based upon the assurances of Mr. Hunter, Deputy State Treasurer. The undersigned was cut off from a further prosecution of the investigation of the Treasury by the deficiency in the resolution. The statement of cash receipts and disbursements from November 30, to January 26, as furnished to the undersigned by the Deputy Treasurer, is a singular one—*all expenditures*, and hardly any receipts. That a portion of the $117,105 73, which is claimed to have been expended since November 30, had been paid before the end of the fiscal year 1857, there is in the mind of the undersigned no room for doubt, and was probably kept out of the former account to make a good show at the end of the fiscal year. How can it be otherwise, when the undersigned discovers among the disbursements during the short period of fifty-seven days, salaries for State officers $8,000, vouchers for

warrants $8,600, redemption certificates $5,000, State contractors $19,726 23, State Prison $5,000, University interests about $5,000, House of Correction $2,000, and 7,000 sundry expenses, besides $57,714 90 for coupons paid January 1, 1858. As to the receipts since November 30, the undersigned is astonished at the smallness of the figures, the gross receipts being only $19,158 67, of which $12,000 were lately paid by the Detroit and Milwaukee Railroad for specific taxes; leaving only $7,158 67 for nearly two months income from all other quarters. This looks almost like an improbability, when we consider the fact that the estimated revenue for 1858 is $586,265 43, consequently a monthly average of nearly $50,000, or nearly $100,000 for the period since November 30, instead of 19,000 as reported. The undersigned does not intend to cast any reflection upon the integrity and capacity of the gentlemen representing the State Department, but as the undersigned was not allowed, under the resolution, to examine books, papers and funds, he had certainly good reason to look upon that mysterious institution with some degree of suspicion, especially when he compares the receipts, $19,000, with the large expenditures, being $117,000 in but fifty-seven days. If the majority of this House had meant to have a thorough investigation, it should have given the committee full scope in its pursuits, and not have placed restrictions in the resolution.

In reference to the report of the majority of the committee, the undersigned would say that he was shown a copy only this morning, and the want of sufficient time prevents him from an extended examination of its contents. In reference to the charges made against the last Democratic Board of State Auditors, during the last thirty days of their existence, the undersigned would observe that the action upon the claims allowed on the old Internal Improvement contracts, have never been defended by the Democratic party, by resolution, or by the support of its press, while on the contrary, allowances of precisely a similar character, made by the present Board, have never received a word of condemnation from the Republican party, but their entire administration was endorsed by a re-nomination of the incumbents of the offices, and by repeated resolutions in their party conventions. The undersigned observes in the report of State Auditors of 1855, allowances as follows: Elijah Hamlin, for damages sustained as contractor of Clinton and Kalamazoo Canal, $2,105 66; John Van Fossen, damages sustained as

contractor of C. R. R., $514 07. These are similar claims as those to which particular attention has been called in the majority report.

The question involved in this matter is a question of *principle*, and not of the amount received from the respective Boards. If it is *just* that these claims should be paid, then the action of both Boards was right; if they were *unjust* claims, then *both* Boards were alike *wrong;* and if the parties respectively to which these officials belong *endorse* the actions of those officials, than those parties are responsible for the conduct of those officials; if they have not *endorsed* them, the parties can in no wise be held responsible for their actions. As has been before said, the Democratic party has *never* in any manner endorsed the allowance of the old Internal Improvement claims, but on the contrary, through their press, repeatedly condemned the same, and the principle involved; while the Republican party, upon every occasion, and without reserve, and in the most *emphatic* manner—as they *also* do in their majority report—have endorsed the actions of the present administration.

As to the charges against Geo. W. Peck for double pay for printing, the undersigned understands that that gentleman has always courted and challenged an investigation, and, as the undersigned understands, recent measures have been taken to bring the matter to a *legal* investigation, he therefore, deems it unnecessary to do more than refer to the explanatory statement of Mr. Peck, and the accompanying affidavits published by that gentleman in February, 1856, copies of which are hereto subjoined.

To the charges against Mr. Sweegles, late Auditor General, the undersigned will say, if he is justly chargeable with an improper use of his official position, *he alone* must bear the responsibility. The undersigned, however, must say that he is entirely ignorant of the facts upon which the charges were preferred.

The allowance to the Phœnix Bank is precisely upon the same footing and same principle involved as in the Internal Improvement claims; and as the matter has been prosecuted before a legal tribunal, at a cost of over $2,000 as fees to the present Attorney General, besides his regular salary, and as the matter is still undecided, the undersigned prefers to abide by the legal decision, when it shall be made.

Upon the administration of the State government from the time the people turned out the Woodbridge and Reform party, the people have

too often and too *emphatically* endorsed the administrations of Gov. Barry and Gov. Felch—and they understand too well the faithfulness with which the public interests were consulted in all measures of State policy, to require any defence before them of *those* administrations. They were model administrations—models which the people of Michigan *now need* and *must have*, to redeem the State from the same condition in which they found it at the commencement of their official career.

Upon the point of the resolution as to the origin of the State indebtedness, the undersigned deems it sufficient to quote a single paragraph from the first message of the present Executive.

"Soon after the formation of our State government, prompted by the wild spirit of excitement and speculation which prevailed at that period, with a comparatively small population, and no resources, she embarked in a gigantic system of internal improvement. An immense debt was created, upon which the interest was accumulating at a fearful rate, and the works upon which she was engaged, yielding little or no immediate return, the State was soon brought to the verge of bankruptcy and ruin. Fortunately for our people, the Legislature was enabled to dispose of the two principal works, and although the State suffered considerable loss, yet she was relieved from immediate embarrassment, and with judicious and economical management of her resources, *will soon be relieved from debt altogether.* We are taught by this experience of the State, the fallacy of undertaking the construction and management of public works, which can be so much better done by private capital and enterprise."

To contrast the condition in which the democratic party had left the State when the present administration came into power and the shape we find it in now, and to show that the State was moving on then to its manifest destiny, it cannot be better illustrated than to quote the Governor's own acknowledgments contained in his first annual message:

"I am happy to be able to congratulate you, at your meeting, upon the highly favorable and prosperous condition of the State. During the past year the fields of agriculture have yielded an abundance, and the husbandman is receiving a rich reward for his industry—every branch of trade and commerce has met with signal success—the unoccupied portions of our State have been rapidly filling up—our schools and semi-

naries of learning are in a flourishing condition—and happiness, prosperity and peace prevail throughout our State and country. The State is perfectly *free* from embarrassments in her financial condition, and it is believed that by the practice of a proper system of economy, *no resort* to direct taxation will be required to meet the ordinary expenses of the government."

And now, from the same source, a loan is recommended, to keep our beloved State from insolvency and ruin. Those words, that language, speak the self-conviction—their own condemnation of a three years' reign of the Republican party in this State.

Having covered the points of the resolution before us, in this report the undersigned respectfully submits the same to the consideration of this honorable body.

EDWARD KANTER,
One of the Committee.

Lansing, February 22, 1856.

J. P. THOMPSON, *Ed. State Journal:*

In my communication from Washington, of the 30th January last, which appeared in the State Journal, on the 14th inst., I then explained, as I then understood them, and as fully as I could at that distance, of time and place, without reference to the documentory and other evidence, accessible at Lansing only, the facts and circumstances relative to the charge preferred against me by the Lansing Republican, of having fraudulently drawn from the Treasury of the State, double pay for binding the Session Laws of 1853.

Since that time I have returned to Lansing, and having carefully examined and collected all the evidence relating to the transaction, now accessible, beg leave to lay the facts before the public:

On the 20th day of April, A. D. 1853, I was allowed by the Board of State Auditors, all claims accruing to me as public printer and binder, up to and including that date, and on the 21st of that month, I balanced the general account on my Ledger, in which the State stood charged with these and all my charges against it for work under the printing and binding contracts since my last allowance, by crediting the State with the money received of the State Treasurer on that day, being

the balance due me, in money, on such account, after deducting the several sums which have been advanced me by the State Treasurer, on account, and for which I had given him slip receipts, from time to time as the money was advanced; these advances were, according to my usual and invariable custom, entered to the credit of the State of Michgan, in this and other general accounts against it, in this form: "By Cash from Treasurer," or "By Cash of St. Treas." Where, however, I credited the State with the sum found due me, on settlement with State Treasurer, after having accounts allowed by the Board of State Auditors, such entry was made as "Cash to bal.," or I at once at the time of entering the credit, balanced and closed the account, for the purpose of showing that the whole account had been settled by allowance of the Board, and payment from the Treasury; in the general account referred to, and in all subsequent general account against the State, except the single instance hereafter referred to, my books will show that this was my invariable practice, and that after each allowance by the Board of State Auditors, the account was closed, in the usual form, and a new account opened on the same or succeeding page of the Ledger, and all work done afterwards, posted and charged therein, and all receipts credited in like manner, until the allowance by the Board of the whole account, when it was balanced and closed in like manner.

The first item of work charged by me against the State, after my settlement of April 20th, 1853, was for binding the Session Laws of '53, viz: 4,500 copies, at 10 cents per copy. This work was finished on the 7th day of May, 1853, and was tho first item of my next general account against the State, on page 182 of my ledger, made in the proper hand-writing of C. A. Hedges, deceased, before that time one of the firm of Ingals, Hedges & Co., when State Printers, and then acting as foreman in my office. This item was never before or afterwards charged in my account against the State. Opposite to this charge, on the credit side of the account, appears a credit to the State, of the date of May 18, 1853, in the following words: "By Cash, of St. Treasurer, $450." This entry is also in the proper hand-writing of said Hedges; but the account was not then balanced and closed as usual when accounts were audited. Following the first charge above mentioned, and continuing the account, are two entries of the date of May 21st, in the hand-writing of said Hedges; none but succeeding charges and credits in this gene-

ral account were entered by me personally; among the latter two credits, for cash advances, made in the usual form above referred to; this general account was transferred for want of room on that page, to page 225 of the ledger, and contains all my charges against the State, for all work finished and charged for, from April 21st, up to and including August 18, 1853, and credit entries of all money received by me from the State during that period. On the 18th day of August, 1853, I made out and presented to the Board of State Auditors, for allowance, all my bills accruing since the 20th April, next preceding, as they then stood charged in the general account, on pages 182 and 225; the same were allowed by the Board, and on the succeeding day I settled with the State Treasurer, presenting my vouchers as allowed by the Board on the day previous, including the one for binding the Laws of 1853—the first item charged in the account. After the Deputy Treasurer had examined and footed up the vouchers, he produced, as was his custom in such cases, the "slip receipts," for advances which he had against me, stated that he found a balance due me of $1,812 66. I at once discovered that some mistake had been made, and informed him that according to my figures, the State owed me $450 less; that I had received an advance of that amount, and had given a receipt for it—the Deputy looked again for the receipt, and was unable to find it. I then stated that I would bring in my ledger, and show him when and how I received it. I did so, and showed the entry above referred to, of the credit of $450, "Cash of St. Treasurer," dated May 18th, 1853. The Deputy then deducted the amount from the balance he first found due me, and paid me the balance, $1,362 66, in money, exclusive of two slip-receipts, for advances made in June and August. I then signed receipts for warrants on all the accounts presented, including that for binding Laws of 1853, filed them with the Treasurer, and took from him the receipt, a correct copy of which is to be found in the affidavits annexed. At the time of this settlement with the Treasurer, and up to the past week, I was under the impression and belief that the $450 received May 18th, 1853, was an *advance* from the Treasury, and not a payment from the Treasury upon an audited account; this impression was derived from the fact above alluded to, that the account was not balanced and closed by Mr. Hedges, on the day of its receipt, as was the usual practice, and that the entry of the credit was in the form and lan-

guage used in all cases of "advances." I have now, from an examination of the two vouchers and the books of the Board, no doubt that the account for binding the Session Laws of 1853, was audited May 18th, 1853, but I had entirely lost sight of the fact at the time of making up my accounts allowed August 18th, 1853, and then supposed that the credit alluded to was for an *advance*, merely.

The fact of the entry of this charge and credit being in the hand writing of Mr. Hedges, suggests to me another probable reason why I lost sight of the fact that the account had been audited in May. Had I been actually present at its audit, I would immediately have made the entries; that I did not, and that he did so, convinces me that I made out the bill, and sent Mr. Hedges to do the business before the Board, and at the Treasurer's Department afterwards, and was thus the more easily led into the supposition of that credit being for an advance, merely.

But this misapprehension does not affect the material facts in the case. The charge for binding the laws of 1853, was but once entered on my books, and but once paid for by the State; although included among the bills allowed Aug. 18th, and thus twice audited, and twice receipted, it is clearly shown by the affidavits annexed, that when drawing pay for these allowances, I at once made known the fact that I had received $450 more than the Treasurer had me charged with, refused to take the amount, referring at the time to my books, for the purpose of showing in what manner and when I received the money; my books also showing that the money was but once received.

It having been asserted that the paper given me by the Deputy State Treasurer, on my settlement of August 19th, 1853, has been got up for the occasion, I refer to the following affidavits for the proofs on that subject.

It has also been urged, that supposing that receipt to be genuine, it *may* refer to some other advance, and not to the bill for binding laws of 1853, allowed May 18th, 1853.

To this I reply, that the language of the receipt, referring expressly to the supposed advance as having been received on *account of the State binding*, about May 18th, 1853, is conclusive in itself; no other charge for State binding than that for binding laws of 1853, was made in May, 1853, and no other binding was being done or finished in that month, as my books and accounts in the Auditor's office will show; the

word "binding," in my contract and accounts, meaning simply the "covering" of books. Besides this the credit of $450, made in my ledger May 18th, 1853, entered immediately opposite to the charge for binding the laws of 1853, was specially referred to by me on the 18th of August following, as explanatory of the discrepancy between the Deputy State Treasurer's statement of the balance due me, and my own account of it. This credit clearly referred to the corresponding charge for binding the laws of 1853, on the debit side of that account.

I submit this statement, with the evidence of Messrs. Bailey, Whitney, Mead and Thompson, whose affidavits follow this communication, in the full assurance that no unprejudiced person can fail to perceive that the attack which has been made upon me, is wholly unsupported by the facts. To the abuse and malignant personalities, to which myself and family have been subjected, during my absence, while I was utterly unable to repel them, I have here nothing to say; conscious of the falsehood of the charges against me, I confide in the power of truth and "bide my time," in full assurance that the good sense and magnanimity of all candid and honorable men of all parties will do me justice in the end.

GEO. W. PECK.

STATE OF MICHIGAN, } ss.
County of Ingham. }

On this 18th day of February, 1856, before me, a Notary Public for said county, personally came Joseph C. Bailey, of Lansing, in said county, who being duly sworn by me, deposes and says that during the year 1853 he was Deputy State Treasurer of the State of Michigan; that upon the settlement with Geo. W. Peck, on the 19th day of August, 1853, for sundry accounts allowed him about that time, by the Board of State Auditors, for printing and binding for the State, I struck the balance in favor of Geo. W. Peck, by deducting from the gross amount of the sums so allowed, the gross amount of the receipts for advances to the said Geo. W. Peck, since his last settlement, which I found in the office, at that time; and was then informed by the said Geo. W. Peck, that the balance so struck, was $450 more than he was entitled to, and that he had the State credited with that amount more than I found receipts for; and that he was confident that he had given the State Treasurer a receipt for that amount; I then made further

search for such receipt, and being unable to find the same, I then paid to the said Geo. W. Peck, the balance appearing to be his due, after deducting the said $450 from the balance first struck as above stated; upon which he receipted all, and each of the said accounts in full, and at the same time for the purpose of explaining said receipt for $450, then supposed to be lost, if the same should afterwards come to light, I gave to the said Geo. W. Peck, a receipt in the words and figures following:

STATE TREASURER'S OFFICE,
Lansing, Aug't 19, 1853.

$450

Rec'd from G. W. Peck, four hundred and fifty dollars for a Rec'pt of that am't, given by him, to this office, for advances on St. Binding, about May 18, 1853.

J. C. BAILEY,
Dep. State Treas.

And that I have examined the said original receipt so given by me, at that time, now in the possession of the said Geo. W. Peck, and it is the identical receipt so given by me.

J. C. BAILEY.

Sworn to, and subscribed before me, this 18th day of February, A. D. 1856.

E. H. WHITNEY,
Notary Public, Ingham Co., Mich.

STATE OF MICHIGAN, }
County of Ingham, } ss.

On this 19th day of February, A. D. 1856, before me, a Notary Public, in and for said county, personally came Edwin H. Whitney, who being duly sworn, deposeth and says, that he was a clerk in the State Treasurer's office of the State of Michigan, from the month of March, 1853, during the remainder of that year; that he has read the foregoing affidavit of J. C. Bailey, and knows the contents thereof; that he was present at the settlement with Geo. W. Peck, referred to in said affidavit as having taken place August 19th, 1853, and that the facts set forth in the said affidavit of J. C. Bailey, in relation to the said settlement, are true, of this deponent's own knowledge; and this deponent further says, that at the time the said Geo. W. Peck called attention to the said discrepancy of $450, he said Peck, went and brought in, and

produced his books of account, and exhibited his entries therein of transactions with the State of Michigan, from which it appeared that he had the State credited with $450 more than the amount of the receipts which could then be found in the hands of the Treasurer; that the said Geo. W. Peck referred to the said $450 as having been received by him as advance, merely, and that therefore this deponent and the said Joseph C. Bailey searched for the receipt for the same, among the *receipts for advances*, and not among the vouchers upon which warrants were due: And this deponent further says, that he distinctly recollects the fact of the said J. C. Bailey giving to the said Geo. W. Peck, at the time of the aforesaid settlement, a writing to cut off or explain the said receipt for the $450, then supposed to be lost, in case the same should thereafter come to light, and that he has examined the original receipt now in the possession of the said Geo. W. Peck, (of which a true copy is set forth in the said affidavit of the said Joseph C. Bailey,) and that this deponent verily believes it to be the identical writing so given by the said Joseph C. Bailey, as above stated.

E. H. WHITNEY.

Sworn to and subscribed before me, this 19th day of February, A. D. 1856.

SAMUEL S. CORYELL,
Notary Public, Ingham Co., Mich.

STATE OF MICHIGAN, } ss.
County of Ingham, }

On this twenty first day of February, A. D. 1856, before me, a Notary Public, in and for said county, personally came Stephen P. Mead, of Lansing, in said county, who being duly sworn, deposes and says, that he has been employed in the office of the State Journal, a newspaper published at Lansing, constantly since the year A. D. 1852; and that he has been Foreman in said office since the month of April, 1854, until the present time: That in such capacity he has had access to the account books of Geo. W. Peck, while contractor for the State printing and binding, and proprietor of the State Journal office; that from the month of November, A. D. 1854, until the present time, the said account books of the State Journal office have been in his custody, keeping and control: That the original receipt alluded to in the foregoing affidavits, of J. C. Bailey and E. H. Whitney, and in the following words and figures:

STATE TREASURER'S OFFICE,
Lansing, Aug. 19, 1856.

$450

Rec'd from G. W. Peck, four hundred and fifty dollars for a Rec'pt. of that am't, given by him, to this office, for advances on St. Binding, about May 18, 1853.

J. C. BAILEY,
Dep. State Treas'r.

has, since said account books have been in his custody, been attached, by a wafer, to the Ledger, opposite page 225, in said Ledger, on which the account against the State for printing and binding, was kept or entered—the said account ending in August, A. D. 1853; that he frequently during the latter part of the year 1853, noticed the said original receipt attached in said Ledger, and has repeatedly seen and noticed it since, while the books have been in his control. That of his own knowledge, the said original receipt has been always wafered in the Ledger in his keeping, from the month of November, 1854, until within a few weeks past, when it was detached by J. P. Thompson, editor of the State Journal in the presence of this deponent.

STEPHEN P. MEAD.

Subscribed and sworn before me, this 21st day of February, 1856.

A. J. CUTLER,
Notary Public, Ingham Co., Mich.

STATE OF MICHIGAN, } ss.
County of Ingham,

J. P. Thompson, being duly sworn, deposes and says that he is the editor of the State Journal, published at Lansing, Michigan; That on or about the 15th day of January, A. D. 1856, he had occasion to examine the account books of Geo. W. Peck, Esq, in the possession of S. P. Mead, foreman of the aforesaid paper; that on examining page 225 of the ledger of the said G. W. Peck, he found attached thereto, the receipt mentioned in the foregoing affidavits of S. P. Mead, E. H. Whitney and J. C. Bailey.

J. P. THOMPSON.

Sworn and subscribed before me, this 21st day of February, 1856.

A. J. CUTLER,
Notary Public, Ingham Co., Mich.